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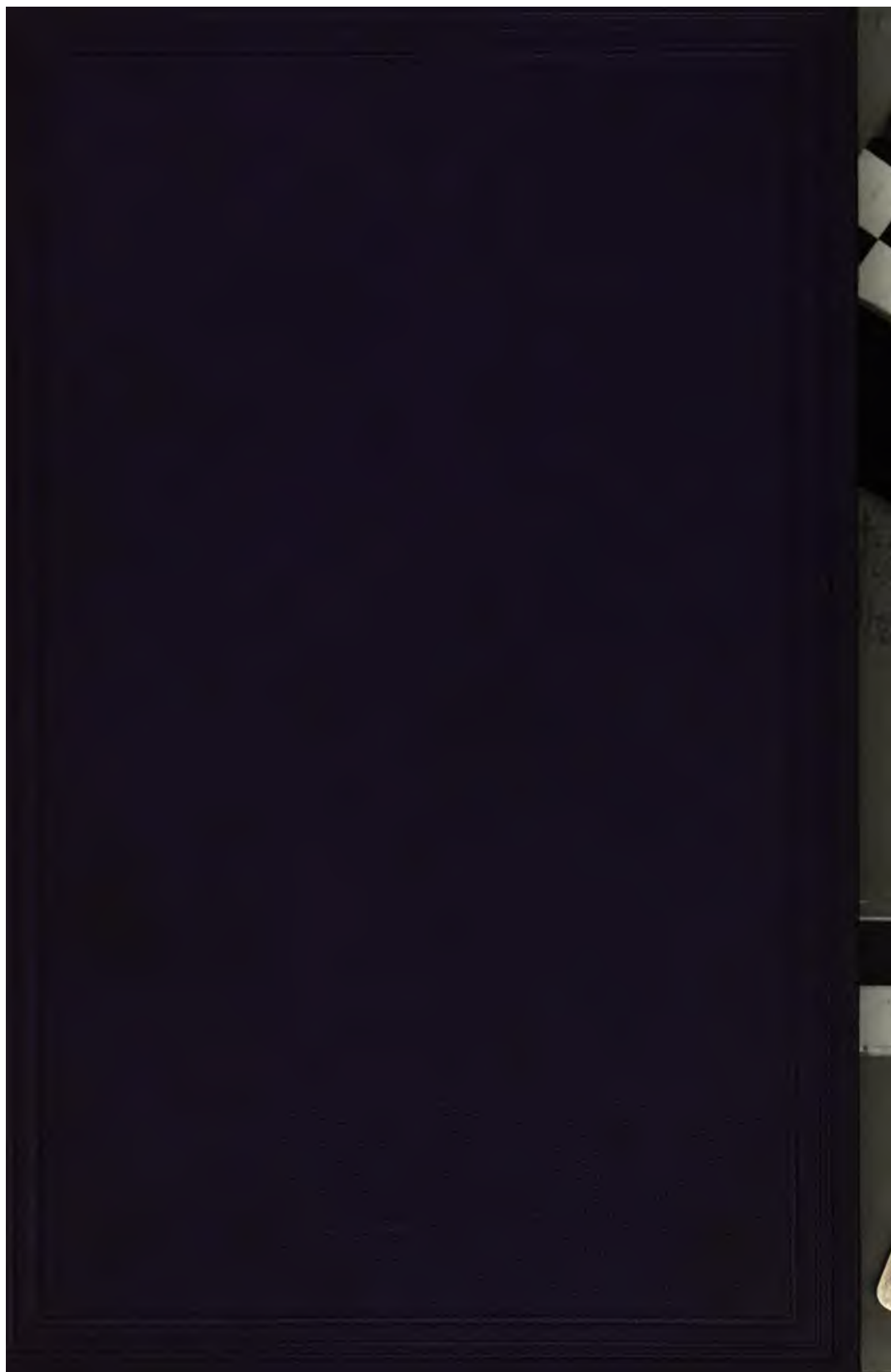
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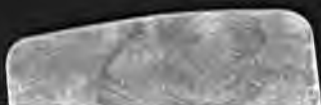
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# CHURCH AND STATE

IN

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"NUMQUAM RES HUMANÆ SUCCEDUNT UBI NEGLIGUNTUR DIVINÆ."

*Chief Justice Coke.*

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LONDON:  
WILLIAM MACINTOSH,  
24, PATERNOSTER ROW.  
1873.

110. m. 193.

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# CHURCH AND STATE

IN

## ENGLAND;

ITS

### ORIGIN AND USE.

BY THE

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SENIOR MODERATOR AND GOLD MEDALLIST IN LOGICS AND ETHICS,  
UNIVERSITY OF DUBLIN.



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"NUMQUAM RES HUMANÆ SUCCEDUNT UBI NEGLIGUNTUR DIVINÆ."

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## PREFACE.

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I HAVE endeavoured to lay before the reader an analytical outline of the origin, progress, and utility of existing relations between the Secular and Ecclesiastical Power in England. Church and State, I believe, has a prospect of greater longevity, if it has been inseparably connected with National Development. The claims of the Church spring from a far higher source than any aid which Religion gives the Civil Magistrate for the control and management of the Body Politic. There is the better plea for the Establishment in England, founded on the internal economy of the Church in reference to her Catholic Doctrine and Apostolic Discipline, and the stand she takes against Schism and Infidelity. But sooner or later when the question comes to be settled in Parliament, the discussion will probably narrow itself into one point, whether Disendowment can be carried out consistently with those historical and constitutional claims of the Church of England which I fear will, with the majority, outweigh more sacred considerations. I have attempted to solve this problem by showing from records of the past that the Church has become identified with British jurisprudence and the fabric of Government, and that it seems impossible that an institution which has penetrated so deep into English life could be eradicated without irreparable injury to the Nation.



# CONTENTS.

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## INTRODUCTION.

### CHAPTER I.

#### RELIGION AND THE STATE.

Their connection in all Nations of Antiquity—King and Priest united—National Religion and Paganism—Germs of Church and State—The Church and the Empire—Ecclesiastical Endowments—Organization of the Church.

### CHAPTER II.

#### CHURCH AND STATE BEFORE THE REFORMATION.

Conversion of Britain—St. Paul the first Missionary—Antiquity of the British Church—Troubles of the British Church—The Saxons in England—Saxon Laws and the Church—St. Augustine's Mission—Norman Church Policy—Feudalism and the Church—Foreign Usurpation—Pretexts for Papal Interference—The privilege of the Pall—Legatine and other Powers—Monasticism in England—Dissolution of Religious Houses—Disputes between King and Clergy—Rise of Ecclesiasticism—Anselm and Becket—Legislation for the Church—Religious Persecution—England before the Reformation.

### CHAPTER III.

#### CHURCH AND STATE AFTER THE REFORMATION.

Henry VIII. and the Reformation—The Royal Supremacy—The King and the Monasteries—The Reformation of the Church—Ecclesiastical Reconstruction—Queen Mary's Reign—Supremacy and Uniformity—Roman Catholicism in England—Cranmer and Parker's Policy—Activity

of Convocation—Struggle between Church and State—Overthrow of Episcopacy—Settlement of the Establishment—Two practical errors avoided—The Church and the Nonconformists—Toleration and Deism—Prospects of Comprehension—The Church and Methodism—Wesley's Revival.

## CHAPTER IV.

### THEORIES OF CHURCH AND STATE.

Literature of Church and State—The Church as co-extensive with the State, Hooker's theory—Hooker and his followers—Fallacies of the question—Church and State defined—Supremacy of the Sovereign—The King the unit of Representation—Alliance of the State with the Church, Warburton's theory—Causes of union between Church and State—Church and State may separate—Church and State founded on Utility, Paley's theory—Burke on Church and State—Property, Law, and Religion—Coleridge's theory of an Establishment—National Development—The Nationality and the Reserve—Arnold on Church and State—Genesis of the National Church—Maurice on an Establishment—The Church and Education—Mr. Gladstone's theory of Church and State—The State Conscience—Analysis of the idea of Government—Dean Stanley on Church and State.

## CHAPTER V.

### USE OF CHURCH AND STATE.

The Subdivision of labour—Uniform Standard of Doctrine—Dissent disintegrates Theology—Establishment and Church Government—The Church and Schism—The Parochial System—The Cathedrals of England—Religion and the Masses—Appliances of a Parish—Christianity and Government—Religion and the Civil Magistrate—Sources of Popular well-being—The Church Anti-revolutionary—Permanence of Religious Endowments—The Church not secularized.

## CHAPTER VI.

### OBJECTIONS TO CHURCH AND STATE.

Genesis of objections—Opposition from Abstract principles—The protective spirit in Religion—Disestablishment favoured by Churchmen—Arguments from Scripture—Analogy of Judaism—The Secular Ruler and Religion—Policy of the English Kings—The Legislature and the Church—A Parliamentary Religion—The Laity an integral part of the Church—

Antiquity of an Establishment—The Clergy of the Church of England—Tests and insincerity of belief—The National Church and the Reformation—True scope of the Reformation—The Establishment and Ritualism—The Church of England and Rationalism—The Tractarian Movement and Infidelity—Effect of State Church on Religion—Is an Establishment hurtful to Society—The Civil Magistrates and theology—The Church and National Liberty—Growth of Church and State—Chief objection to Church and State—Prejudice of Dissenters—Union of Church and Nonconformity—Tribute to Dissent.

## CHAPTER VII.

### THE SUBSTITUTE FOR CHURCH AND STATE.

Voluntaryism in the Church—Expediency of Endowments—Demand and supply in Religion—A parallel case—Working of Voluntaryism—Education and Status of the Pastorate—What best supplies religious requisites—How to evangelise a Nation—The Clergyman under Voluntaryism—Poverty versus Competence—Voluntaryism, and a supply of Churches—Spiritual destitution of America—Question of Church Reforms—The union of Classes—Aggression upon the Peerage—Doctrinal unity and Free Thought—Disestablishment and National character—Self-respect of an Englishman—Two traits of British life—The Church, part of the Nation—The Dangers of Disestablishment—Church consecrates State.



## INTRODUCTION.

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It is the habit with even the best writers on Church and State, for instance, Hooker and Mr. Gladstone, to dwell almost exclusively on either abstract and ethical reasonings, or arguments grounded upon utility. No one can deny the tower of strength which existing relations between Civil and Ecclesiastical Government derive from support of this description. Much, however, of the force of such advocacy evaporates under the silence of those authors respecting the historical claims and constitutional position of the Church of England. The omission of such title deeds intensifies a popular misconception that Church and State was created at the Reformation, and after an internecine conflict with democracy under Cromwell, settled in 1688 as an established Institution of the realm.

It is shown in the following pages that Church and State in England, as being almost coeval with the introduction of Christianity into our island, is no mere mushroom growth, but has been born and bred with the British Constitution. Such pretensions to ancient lineage can be safely grounded on indisputable facts, so that in this position we recognise in the Church of England two indestructible claims—Nationality, attacked by the Church of Rome and Catholicity by Dissent.

It does not appear to occur to many how the existence of relations between our Ecclesiastical and Civil Government from the dawn of the English Constitution have served as leverage not only for the formation of popular freedom, but the preservation of the Nationality and Catholicity of the British Church. It is certain that both of these great notes of the Church of England had been humanly speaking, perhaps obliterated, or at least the

evidence of them hid from view, were it not for the connection which sprang up between the Civil and Ecclesiastical Government so far back as when part of this country was a province of the old Roman Empire.

But probably the genuine power of the argument for the Established Church lies here, that it was by relations between the Civil and Ecclesiastical Government that the Kings of England, long before the Reformation, were able on the one hand, if not to rescue the Church from superstition, yet to shield the realm from the dictation of the Holy See; and on the other, after the Reformation, to fortify the Church against oppression, whether from Rome or Dissent. It is a common notion that, as regards our Establishment, and indeed to a great extent, as regards the development of our political institutions, all was confusion and uncertainty before Henry VIIIth's reign. But from the Saxon period, and before it, the fabric of the Constitution was being piece by piece built up, the privileges of the different estates of the realm defined, and in general the cause of civil and religious liberty advanced; and this be it observed through those relations between Ecclesiastical and Civil power, which in England constitute our religious Establishment. The Church, we admit, during the Ante-Reformational period was loaded with fetters of foreign usurpation, which, however, had been fastened on by the Papacy acting by its own instruments, the monastic orders in England. However, the Church never thoroughly lost her freedom, and never was quite ground down into serfdom, but managed to ride steadily at anchor as a National Church by combined opposition to the Bishop of Rome from king and parliament, vigorously supplemented by the secular or parochial in contradistinction to the regular or monastic clergy.

No less definite, too, was the development of the liberty of the people, and from precisely the same cause—namely, the co-operation as realised both in the Common and Statute Law between the Sovereign and Parliament on one side, and the Prelates and Convocation of the Church on the other. The Sovereign was thus able to put his foot on extravagant Ecclesiastical pretensions, and had his wishes carried into effect in successive Acts of Parliament beginning with the Conquest—a



course of legislation, which in its turn brought out the authority of the House of Commons into potential existence. Now, of all this no more convincing evidence need be given than the fact that when the prerogatives of the King were trampled down, and the Church deprived—so far as any action of the Civil power could do this—of both her Catholicity and Nationality, popular freedom, in the midst of what after all was but the license of a democratic oligarchy, virtually expired; while a symmetrical body of doctrine, itself the expression of the Church's unity, was torn to pieces in order to make room for guess work in dogma and for hypocrisy in practice.

It is upon this solid foundation that the superstructure of an Establishment has been erected in England. There have been large grants of lands and other possessions not from the State but voluntarily made over to the Church for pious uses, and these endowments, reposing under the shadow of the Crown, have been hedged round with all the solemn protection of law. The people of England have had growing out of this the parochial system, one of the most admirable arrangements that has ever been devised for diffusing the requisites and knowledge of religion through the length and breadth of a kingdom. They have had definite tenets and formularies as recorded in the proceedings of our Ecclesiastical Synods, and drawn up in Canons which exemplify the organic independence of the National and Catholic Church of England. When built on this basis the utility of an Establishment seems to follow naturally and necessarily.

In speaking to the argument of utility we have to ascertain both the abstract and ethical reasons that are, so to say, coiled up in the idea of Church and State, as well as imply those salutary consequences which it can be proved have emanated from the Establishment. One effectual method for mastering this branch of the subject is an analysis of the various theories on the relation between the Civil and Ecclesiastical Government which have been propounded by some of the ablest thinkers of England. The conclusion from such an investigation exposes to view the inner mechanism of Church and State, and thus renders transparent what such an institution is in itself, and what its working qualities are as an instrument of national good.

We thus gain an insight into those advantages of a connection between the Civil and Ecclesiastical power which accrue not only to Society and the Church, but to the Body Politic; the truth being that all three are of Divine workmanship, and knit together by one silver cord of creative skill. This identity of origin produces such an interdependence between religion and human government as renders it an imminent risk to try to separate what God has joined together. Those, however, who sever the union between Church and State excavate a chasm which they may afterwards deplore but can never bridge.

This common parentage of Society and the Church is the cause why, although the several effects of an Establishment are distinct according as they are (1.) Religious; (2.) Social; (3.) Political; yet in operation are composite, so that it is hard to say where one ends and the other begins. Now, all this immeasurably confirms the reasonableness of Church and State, because there is a fair case for an Establishment in any one class out of the three of the foregoing advantages; but the plea is proportionately more admissible when we take into account an argument depending upon the cumulative force of all three together. For instance, when it is shown that existing relations between the Civil and Ecclesiastical power in England insure, so far as it is possible or desirable, uniformity of belief in the midst of the multiformity of Dissent,—the crustaceous and artificial unity of Rome,—and the Nihilism of free thought, this constitutes a reliable argument in support of Church and State. Again, when it is shown that existing relations between the Civil and Ecclesiastical power in England secure a sort of *net-work* of territorial divisions throughout the country, in each of which is permanently located a nucleus from which emanate influences of the highest value as factors in social improvement, this likewise constitutes a reliable argument in favour of Church and State. Once more: when it is shown that existing relations between the Civil and Ecclesiastical power in England secure the joint operations of two agencies—religion and government—which have similar aims, and though not working exactly with the same means or the same aspirations nevertheless can be of enormous help one to the other; this also constitutes a reliable

argument in favour of Church and State. Now put these three arguments together and see the three leading wants in man's nature provided for, viz., Religion, Society, and Government, and the logic of such a synthesis becomes irrefragable. We cannot expect that in a controversy between the supporters and opponents of a connection between the Civil and Ecclesiastical power judgment will be allowed to go by default. Accordingly we may expect, and do find the several arguments advanced on behalf of an Established Religion peremptorily challenged. Perhaps, one of the most enduring links in the chain of evidence for Church and State lies in the refutation of current objections, some of which are irrelevant, some the offspring of pride, envy, or hatred, and most of which can be retorted with crushing effect upon Dissent.

But supposing current objections unanswerable, and the union of Church and State to be both in itself and its operation what Nonconformists describe, it must be proved—and it has never yet been proved—that a voluntary system, with all its alleged advantages, could ever as effectually do the work which the Establishment with all its alleged disadvantages has been accomplishing now for so many centuries. This, of course, brings the question to a narrow and intelligible issue, and, to take the lowest ground, reduces an Establishment, in the ultimate analysis, to a balance of advantages and disadvantages where a preponderance of the former, it would appear, is clearly on the side of Church and State, and would be still more so if some needful Ecclesiastical reforms were adopted. These, it is almost certain from what has already been achieved in this direction, will in due course be inaugurated, and will materially tend more completely to enshrine in the convictions of the people the Establishment as the National Church of England. It can never be thought a superfluous task to deepen the foundation of a religious Establishment when we contemplate the disastrous consequences which in France and the United States have followed the overthrow of Church and State. But let us suppose voluntaryism to be a plan practically the most efficient, and fiscally the cheapest, (which it has never yet, wherever tried, proved itself to be), there yet remains about this system

an ineffaceable blot—we mean the multiplication of religious opinions which like a spectre haunts Dissent. The historian Hume lays down truly that where the support of the ecclesiastic depends wholly upon the people, he stimulates their zeal by all the quackeries of fanaticism. Now, to those who thunder against the Church of England in favour of the voluntary system exclusively, we say, cast a glance this moment across the Atlantic at America, where Hume's aphorism has been realized and religion splintered into a thousand forms, each vying with the other in heated and corrupting extravagance. The evil of this is enormous, and to none more so than the Church of England, because it is owing, in a great measure, to the difficulties produced by sectarianism that the Establishment is threatened.

The Church of England under the mallet of Dissent is powdered into sects as into dust, and next, when the different patrons of schism turn and rend each other, and refuse to join in the public worship of God, a National provision for the clergy is regarded as an unjust preference of one creed over another. Of course, admitting the premises the conclusion is legitimate enough—namely, that as it is impossible to establish all Churches, and unfair to establish any one rather than another, there seems no alternative but to establish none. But we deny the premises, and in other respects endeavour to show the use and value of an Establishment, and how it does not conflict but accurately fits in with the dictum that every man's religion is an affair between his own moral sense and Almighty God. The phrase "rights of Conscience" is fashionable enough in our day, but too often, alas, is on the lips of men for the purpose of undermining the organic unity of Dogmatic Theology, and of inculcating that, in the midst of so many diversities of thought in religion, one form of doctrine is no truer than another, which is read by victims of a withering infidelity as an assertion that all creeds are equally false.

# CHURCH AND STATE :

## ITS ORIGIN AND USE IN ENGLAND.

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### CHAPTER I.

#### RELIGION AND THE STATE.

Their connection in all nations of Antiquity.—Primordial principles of Church and State in England.

ANY one of thoughtful turn can easily forecast the circumstances which, in the progress of the world and mankind, lead to the union of Church and State. Given Society and Religion—two no very unreasonable assumptions<sup>1</sup>—and the relations between the Secular and Ecclesiastical power, which are to be found prevalent in one shape or another in every civilised community, become an intelligible reality. All, as we shall afterwards see, are not agreed as to the precise method of adjusting this relation, though they equally acknowledge the connection itself. Some with Hooker build the State on the Church; whereas others with Paley and Warburton<sup>2</sup> build the Church on the State. Varying, however, as these and other authors do in their account of the origin of Church and State, they are unanimous in admitting the necessity of the thing itself in some form or other. Indeed

<sup>1</sup> Cicero proves society to be an ultimate fact reposing on the constitution of human nature, and eloquently insists on the reality of religion, by what he argues regarding universal consent as to the existence of God.

<sup>2</sup> So far Paley and Warburton agree apparently with Roman Catholic Divines. Hobbes used this view differently, as he laid down that an Established Religion was a mere product of expediency and political artifice.

the dawn and progress of civilisation disclose a similar relation, because almost coeval with a nation's emergence out of barbarism springs into existence a sacred side by side with a secular *caste*. The very encroachments, from time to time, of the priestly on the Civil power, and in general, the exaggerated position which the sacerdotal element occupied in so many Pagan countries of antiquity, sufficiently indicate the co-existence of what we call Church and State in the administrative systems of Heathen government.

Aristotle and Plato entertained questions respecting the Civil and Ecclesiastical power in the Governments of Greece, but their investigations apply as well to Rome, whether under Kings, Consuls, or Emperors. In Oriental Dynasties too, we observe the Sacerdotal *caste* not as an isolated order, but the grand motive energy in the State. Thus, in the Patriarchal Age, and subsequently as in the case of the Magi, we find the kingly and priestly offices united. As priests these Magi presided over the hierarchy of their nation : as princes they were descended from a line of kings, while as learned men and by unremitting mental culture they sought to qualify themselves for the varied duties of exalted station. They could read the stars, unlock the mysteries of Nature, and out of their holy books instruct the people in religion. Nor is it difficult to account for this juxta-position of secular and sacerdotal power, if we bear in mind that the fabric of Government, though a resultant of constructive wisdom in man, is unable of itself to resist decay. An antiseptic has been discovered in religion, publicly acknowledged, which may be said to be the cohesive element of the commonwealth. The State is sanctified by alliance with religion, while authority in the executive is necessarily wielded with moderation. Public men, from observing higher claims on obedience than this world, are led to exert their influence the more conscientiously. A *regime* of this description has everywhere, and in all ages, prevailed, and with apparently salutary results.

The fact is beyond doubt, that heathen lawgivers never omitted to establish religion, and in order to do so, professed always to derive their laws from the revelation of a Higher Being. In this way the Civil and, as we would call it, the Ecclesiastical power

were brought into close converse with each other; so much so, that it became a settled maxim of antiquity, that the National religion constituted one of the most necessary and essential parts of Civil Government, and that every citizen was bound to conform to the creed of his city or country.<sup>1</sup>

We find that heathen rulers not only displayed care in enunciating and propagating some creed, but supporting those authorised to teach this theology—an arrangement only practicable by uniting religion with the State. All States in the ancient world seem to have had an Established religion, which was more immediately kept under the guardianship of the magistrate in contradistinction to other phases of belief which were tolerated but not authorised. At Athens, for example, the city exacted of every citizen who had a share in the administration, an oath for the security of the National religion.<sup>2</sup> The same notion was sedulously enjoined and cherished in the religion of the Latins and Etruscans. Livy<sup>3</sup> mentions a public oration of one of the Consuls, in which the doctrine is laid down, that the most effectual method for overthrowing religion in any country, is to celebrate sacred ordinances not according to national but foreign customs.

There is scarcely a point on which Antiquarians are clearer or more positive than the one under consideration, so that what Josephus<sup>4</sup> says of the Athenians seems universally true of Paganism. "They severely punished any man that uttered a word against the religion established by Law." All such conformity was attained by a combination of regal and sacerdotal power, in the person of one official. The Egyptians selected their Kings

<sup>1</sup> This comes strongly out in the conversation of Socrates with his friends before death.

<sup>2</sup> A copy of this oath is given by Stobæus, (*De Rep. Serm.* 41.) Demosthenes, (*Orat. Contra Neeram*) mentions a similar oath which was administered to the priestesses of Bacchus.

<sup>3</sup> *Hist. Lib.* xxxix.

<sup>4</sup> *Contr. Apion.* Lib. ii. Josephus' remark is confirmed by a Law of the Twelve Tables, that no man should have a religion of his own in isolation from the established Creed. *Nemo Separatim Deos habessit.*

out of their Colleges of Priests ; under the Greeks the Priests were supreme judges of all causes and conductors of all wars, while among the Romans the law was to "let authority in reference to Holy Things be vested in the Sovereign."<sup>1</sup> Subsequently the Priesthood was violently sundered from the Civil government, but even then a sacrificing King was appointed to superintend and provide for the exigencies of public worship, with a prohibition however against intermeddling in secular concerns. When the Commonwealth was altered into a Monarchy, Augustus annexed the great pontificate to the Imperial dignity, and the prerogative descended unimpaired till it was immeasurably enhanced and consecrated in the person of Constantine the Great, when he established the Christian Church throughout his vast dominions.

We propose to examine the antecedents of a similar connexion, and for that purpose to specify some of the social phenomena<sup>2</sup> in the midst of which the Christian Church, during its very earliest years, was planted in the West. Here we have the germ of what afterwards became the union of Church and State in England ; one chief instrument at work in this development being the subjection of part of Britain to the Roman Empire, and the consequent transference of Latin civilisation to our Island. The intercourse thus springing up between the two countries indirectly led to the early conversion of Britain to Christianity, and terminated in the introduction amongst us of that form of Church Government which had become established in the Empire. As the various steps in such changes cannot be understood without some knowledge of Roman Civilisation, we may say a word respecting the order of things, with which Christianity was brought face to face on its introduction into Western Europe. The Gospel by being preached in the West, brought the Church into contact with a system of government, which, though dulled

<sup>1</sup> *Sacrorum omnium potestas sub regibus est.* I. Baptiste Tavernier, an indefatigable traveller, has left on record that everywhere he visited he saw the union of religion and the State to be a universal policy both in East and West, and that among all the countries religion was kept in alliance with the Civil Government for the mutual support of secular and ecclesiastical power.

<sup>2</sup> See Guizot's Lectures, (ii. and iii.) on Civilisation in Europe.



in splendor, had not, as yet, parted with all its pristine lustre. Two characteristic elements of Latin civilisation survived entire, namely, the Imperial dignity and the municipality<sup>1</sup> of the Roman system of government. The Empire itself constituted a vast network of towns or municipal institutions, hardly any stress having been laid, or much, if any, interest evinced in territorial possessions. This *regime* soon assimilated itself to the genius of Church Government, so that after the introduction of the Christian religion into Europe we discover palpable indications of what subsequently became Church and State among ourselves. But Roman civilisation has exercised merely a modifying but never a creative influence over the organization or discipline of the Church.<sup>2</sup> Christianity possesses its own polity, and though in its origin independent of human government, it has been satisfied to receive from the sovereign authority of a country permission to take root there. However, the blight, which had withered the vigor and energies of ancient Rome, gave the Church a favourable opportunity of making good her position and acquiring unquestionable ascendancy in Europe; while the secular arm was more or less paralysed throughout the Empire, the Church was all freshness and impulsive strength—being everything, alike, to every man of whatsoever estate, and penetrating freely all ranks of society. The highest offices of the Priesthood were open as an object of ambition to the humblest<sup>3</sup> provided that they possessed capacity. The result was, that the Clergy soon were able to combine in their own persons secular and spiritual authority, by

<sup>1</sup> Guizot argues that the Government of the Roman Empire was merely an aggregate of institutions suited to a population confined within the walls of a city. The distinguishing character therefore of Latin rule was municipal.

<sup>2</sup> See more particularly Book v. of Bingham's "*Antiquities of the Christian Church.*"

<sup>3</sup> Guizot observes of the Church, that it derived immense strength from its respect for equality as well as legitimate superiorities. The Church was the most popular society, the most accessible and open to all kinds of talent, to all the noble ambition of human nature. Can any more cogent reason be adduced for the expediency of an Alliance between Church and State?

being virtually members, simultaneously, of both a civil and ecclesiastical organization.

In the reign of Constantine the Great, when the foundation of Church and State was formally laid, so far as legal enactment and recognition can do this, we discover most of the conditions usually associated with a religious establishment. Not only at this period were Bishops and ministers of the Church invested with large powers, not entirely ecclesiastical, but with immunities out of which have emanated many of the privileges of our beneficed clergy. For example we can specify the exemption of ecclesiastical persons from the cognisance of lay tribunals, at first in religious and afterwards in secular causes. We can also mention the gifts of money or, more customarily, in primitive times when payments were effected in kind, of produce, which were conferred by pious laymen upon the Church almost from the very beginning. This liberality has been the forerunner of a State provision for the Clergy ; and in this way, weekly or monthly oblations were deposited in the Churches, and the revenues of lands were ceded by their owners to the Bishops in trust. Allowances out of the Imperial Exchequer were allocated to the Church together with the estate of martyrs, confessors and clergymen dying without heirs.

This system was solidified and extended by the laws of Constantine, who did his best to suppress and forbid all improper expedients for the augmentation of Church property. For instance, fathers were enjoined not to disinherit their offspring in order to enrich the Church, and the clergy not to demand any gratuity for the Sacraments, for Confirmation, for the Consecration of a Church, and for the interment of the dead.<sup>1</sup> All this is practical evidence not only of an alliance between the secular and ecclesiastical power but of the influence of the Clergy and the estimation in which they were mostly held by the Laity. All these sources of income were placed in the hands of the Bishop and distributed by dioceses. The management of these, often vast funds, was under the superintendence and authority of the Epis-

<sup>1</sup> Other sources of revenue consisted in tythes and first fruits.

copal order.<sup>1</sup> Different rules prevailed in different Churches respecting the division or distribution of ecclesiastical property among the Clergy and poor. One very salutary consequence arose out of this, namely, the endowment of parochial Churches and the adoption of the parochial system generally. But the close relations into which Church and State were so early brought, soon illustrated the working power of Ecclesiastical Government and discipline, and in doing so fortified the outward framework of Christianity. The Church was thus able to preserve what Bishop Butler calls her positive institutions, and in this way her apostolical organization. The very best opinions even in religion no matter how clearly and authoritatively they may have been originally proclaimed will, as years roll on, gradually evaporate and die out, without the aid of organisation. This truth is written in imperishable colours on the page of Ecclesiastical history. Even secular authors, and some of them rather adverse to all or most of the pretensions of Churchmen, concur in saying that if Christianity at its rise had been a religion only, and not a Church, as well as a system of doctrines, it never could have achieved the work it did. The energy of the new religion, coupled with the fact that the Church was a society, prevented her from collapsing under the pressure which broke the Sceptre of the Romans. Christianity breasted the storm that formerly wrecked the Empire. So much so, that Bishops and Clergy were literally the only government left, and, as a consequence, became masters of the situation. This was a victory, but one of a peculiar kind; for it was the triumph of spiritual and intellectual energy over a material antagonism and mere brute force.

The foregoing remarks are intended as an analytical outline of *Church and State* as a fundamental conception which has been developed and worked out in England from a very early period in our National History.

<sup>1</sup> No alienation could be made of ecclesiastical property without the joint consent of the bishop and clergy of the diocese, with the sanction of the Metropolitan.

## CHAPTER II.

## CHURCH AND STATE BEFORE THE REFORMATION.

The National Church apostolically planted.—Established formally by Constantine.—The Anglo-Saxon Church.—Church and State under the Norman Kings.

WE propose now to direct attention to the planting and subsequent growth of Christianity in our Island, for the purpose of bringing to the surface whatever may throw light upon existing relations between the Civil and Ecclesiastical Power in England.

The gradual formation of the link between Church and State, tended immensely to secure the independence of our Ecclesiastical Institutions. The Statutory enactments of the Realm shew not only the development of the union itself, but the rampart which these acts of the Legislature interposed against an invasion<sup>1</sup> of the liberty of the Church. In our Ecclesiastical History are three well marked epochs, viz., (a) the Ancient British Church; (b) the Church after St. Augustine's mission from Rome; (c) the Church from the Conquest to the Tudor Line. This comprehends the Pre-Reformation period.

## I.

*The Ancient British Church.*

Whatever was the origin of the British Church, there can be little doubt that it does not date much later than the middle of the second century. There is, however, evidence that the bright beams of the Gospel kindled a heavenly light in

<sup>1</sup> For instance, from the See of Rome.

our Island at a much earlier period. However, the early history of the British Church has been rendered somewhat uncertain, by admixture with legendary lore. One cause of this has been either the craft or credulity of the monks<sup>1</sup> of the Dark Ages, many of whom can be received only as authorities upon the antiquities of the Church. However, historical testimony exists in favour of its being more than likely that the Church of England was apostolically planted<sup>2</sup> though it certainly is quite a misrepresentation, rather a slander, to affirm that primitive Christianity in Britain was a mere graft on Druidism.<sup>3</sup> St. Paul, for instance, it has been urged, had abundant leisure and opportunity to have reached our island; while not only would the frequent intercourse between Rome and her Province in Britain furnish facility for such a mission, but a possible invitation may have afforded encouragement for the undertaking itself.

We should remember, between St. Paul's arrival at Rome and his martyrdom, that there was an interval of about eleven years. During this period many must have passed to and fro between Britain and Rome,<sup>4</sup> who had enjoyed the privilege

<sup>1</sup> The monks say that the conversion of Britain to Christianity took place towards the reign of Tiberius Cæsar, *i.e.*, about thirty-seven years after our Lord's birth. Stillingfleet mentions (chapter I. of his *Antiquities*) authorities from Eusebius and others, which negative such a supposition.

<sup>2</sup> The weight of opinion is in favour of the Apostle Paul being our first Missionary—see Stillingfleet, chapter i, p. 42. The authority of Theodoret on this point (*Serm. ix. de Legibus*) is important. Compare Bishop Short's history of the Church of England, Chapter i., pp. 1—6; where the question of the early preachers of the Gospel in Britain is examined.

<sup>3</sup> Thus the archbishops and bishops were only the flamens and archflamens of Druidism.

<sup>4</sup> Theodoret says that St. Paul preached the Gospel to the islands that lie in the ocean, and also that he carried the light of the Gospel from Spain to other nations. This Historian is interpreted to mean Britain. St. Jerome also makes a similar statement. But perhaps the most valuable, because the most ancient, testimony is given by Clemens Romanus in his Epistle to the Corinthians to the effect that St. Paul after his imprisonment preached the Gospel in the Western parts.

of hearing St. Paul, and who could convey the glad tidings of the Gospel to our island. This may have happened with persons occupying official positions in the Roman Empire; the more so, because we know that the Apostle's labours had been, under God, blessed to some of Cæsar's household. It is this fact, which has given colour to an ancient chronicle of the British Church, that Claudia,<sup>1</sup> was Caractacus' daughter, and being converted to Christianity, became subsequently the wife of Pudens. However there is evidence not to be slighted, that England has been indebted in the first instance for a knowledge of Christianity to some one of the Apostles.<sup>2</sup> Be this as it may, in the second century, and most probably earlier still, the existence of a Church in Britain is certain,<sup>3</sup> for although a palpable mistake has arisen out of the story of King Lucius and Pope Eleutherius, the real truth would seem to be that a message was received from an already established colony of Christians in Britain requesting a supply of teachers from Rome.

But in the midst of the uncertainties in which its early history is enveloped, there can be no reasonable question regarding the antiquity of the British Church. Once introduced into our Island Christianity appears to have taken deep root in the hearts of the people.<sup>4</sup> The British Church, under the difficulties and dangers of a disturbed state of society was soon required to breast the storm of persecution, but managed to retain her position. The accession to the throne of Constantine the Great<sup>5</sup> was an

<sup>1</sup> 2 Tim. iv. 21.

<sup>2</sup> Eusebius states that the Apostles passed over into Britain. *Præp. Evang.* iii. 7.

<sup>3</sup> Tertullian and Origen's testimony places the assertion in the text beyond question. See Tertullian *Contra Judæos*, c. 7. Origen *Hom. in Ezek.* iv., and *Hom.* 6 in S. Luc. 1. The great martyr of the British Church, St. Alban, suffered under Diocletian, A.D. 305; nearly three hundred years before the landing of Augustine from Rome.

<sup>4</sup> Short's History, c. 1. Churton's Early English Church, c. 1. Southey, c. i., compare also Bingham Book, ix. c. 6, and Collier, vol. i. pp. 42—145.

<sup>5</sup> Britain had for this enlightened Sovereign the attractive associations of being the place of his birth, as well as where he was proclaimed Emperor on the death of Constantius at York.

auspicious event for the Church at large, because, as we are reminded by Lactantius, "the first thing Constantine did, was to secure full liberty for the Christians." More particularly in Britain was this boon experienced, because, according to the testimony of Gildas and Bede, the churches in our island were rebuilt, which had, during the Diocletian troubles, been rased to the ground. But now, in the sacred edifices, the Holy Sacraments of the Christians were celebrated as well as in the houses of God throughout the land, solemn festivals kept in memory of the great deliverance under Constantine. The British Church now possessed complete organisation with a regular Episcopate and customs of her own, the last pointing to her independence of the See of Rome.<sup>1</sup>

But after Constantine's death, suffering once more invaded the British Church, many of whose members, as once before, fled into the mountain fastnesses for refuge. Many concurrent causes operated towards producing this reverse. The old superstition was more than traditionally preserved and propagated by a remnant of Druidism, while a similar pressure on the Church was exerted by Roman Paganism. The now tottering Empire<sup>2</sup> was coerced to concentrate all its military resources and the government generally as near Rome as possible, the result being that Britain became a prey to internal dissensions.<sup>3</sup> Added to these troubles was for the Church the far more serious calamity of an inroad

<sup>1</sup> No trace of the Bishop of Rome can be found in England for the first six hundred years after Christ. Indeed, there is very good reason for supposing that the National Church is older than that of Rome, and that it has an Asiatic origin. See Bede's History, ii. 2. Sir Roger Twisden Vindication p. 7, and Lappenberg, England under the Saxons, vol. i., p. 134, (translated London 1845.) The attempt to overturn this argument by the account of Pope Eleutherius and king Lucius is now generally abandoned. In any case, the king sent for teachers and not missionaries, Short c. i. p. 3. The question of independence is forcibly established by Archbishop Laud in his work against Fisher, sect. 25.

<sup>2</sup> By reason of the inroads of barbarian tribes from the North of Europe.

<sup>3</sup> As indeed did all the Roman Provinces in consequence of the withdrawal of garrisons.

of heresy.<sup>1</sup> In this strait, the native chieftains invited the Saxons to interpose and restore peace. This the Saxons did, but, being Pagans of fierce temperament, they uprooted almost every vestige of Christianity in the Southern parts of England. This havoc of the Church led to the Roman mission into England, which founded the Anglo-Saxon Church, upon which we shall now say a few words.

## II.

*The Anglo-Saxon Church.*

The condition of the Church, as just described, when we find her in Britain deprived to a great extent of her ancient splendor, runs parallel with similar disaster in the State. It is not necessary to specify what at this time created in Britain so much uncertainty and panic for the Civil Government; but, in Vortigern's time,<sup>2</sup> a resolution was adopted of calling in arbitrators to subdue the national strife. The Saxons, as umpires, soon trod the people of Britain under foot, a piece of treachery which seemed to threaten annihilation, or, at any rate, complete disruption to the National Church.<sup>3</sup> Nearly the entire Church retired northwards, or took shelter in the mountains of Wales,<sup>4</sup> but some of the clergy stood their ground, and in the midst of surrounding Paganism, refused to bow the knee to Saxon idols. The clouds of this dark superstition were partly<sup>5</sup> dispersed by St. Augustine,<sup>6</sup> who was sent over by Pope Gregory the Great, to convert the Saxons to Christianity. It is not necessary in

<sup>1</sup> Short, c. i., p. 4. Churton, c. i. p. 10.

<sup>2</sup> Southey, c. 2. Soames' Anglo-Saxon Church, chapter i.

<sup>3</sup> Saxon interference however became afterwards a solidifying influence to Church and State in England.

<sup>4</sup> Short, c. i. Churton, c. i., p. 13. Something of the same continuity took place in the history of the famous Albigenses.

<sup>5</sup> The clergy of the British Church had their share in the restoration of the Church.

<sup>6</sup> For an account of St. Augustine's mission, see Soames' History, c. i. pp. 50—58. Collier vol. i., pp. 120, 148, 167—172.



order to illustrate the relations now and for some time previously subsisting between Ecclesiastical and Secular Power in England to enter, with any minuteness, into the details of this Mission. The effect of St. Augustine's visit was to nerve the British Church to quit its asylum in the hills, and confront those, who, as the sequel proved, entertained designs of ambitious usurpation.<sup>1</sup> The demand, therefore, by the emissary from Rome made upon the National Church for submission to the Holy See, elicited a determined expression of independence from the British Bishops.

From the very first years of the plantation of Christianity in our island there were circumstances essentially calculated to develop a religious Establishment. This tendency continued to operate even up to the Reformation itself, and is found in unabated vitality in the period of the Anglo-Saxon Church. A common but erroneous supposition prevails that the Saxons, as well as the Normans, revolutionised or swept away everything; but the fact is that they fell in as master builders of the British Constitution, which with Church and State was developed piece by piece. This is the history of Thought as of Government, since each generation avails itself of previous approximations to truth, so that both politics and philosophy are a compound result of existing science as well as antecedent progress.

The student of History is aware of the peculiar genius of Saxon civilization in securing for England the blessing of genuine freedom, and strengthening the connexion between Civil and Ecclesiastical power in the British Constitution. Wise government and a large-minded internal policy have always been a valuable auxiliary to Christianity in every country. After the conversion of the Saxon Heptarchy, the prudence of their administrative system re-acted powerfully for good upon the Church of England.<sup>2</sup> Over a national Church the corroborative influence was considerable of the Saxon form of government, which consisted in royal headship, social grades, municipal

<sup>1</sup> We must not refuse Gregory and Augustine a pious desire to convert the Saxons to Christianity.

<sup>2</sup> Foreign Ecclesiastical interference was checked or neutralised.

police, local divisions of the country, regulations for the management of boroughs, and, in general, a steadily executed legal<sup>1</sup> protection for all. Under a government, therefore, so favourable to order and freedom, we find at this period the Church of England, in spite of previous adversity, not only enjoying apostolical organization, but so much impressed with her own rightful independence as to hold out resolutely against encroachment. St. Augustine used every contrivance to captivate the senses, and met the British clergy with studied pomp. The Prelates, however, of the National Church loved liberty better than pageantry and would not abate one particle of their rights. Pope Gregory's demand that the British Church should acknowledge the supremacy and customs<sup>2</sup> of the Roman See was peremptorily refused.

It may be added that both during the reign of the Saxon kings and subsequently, such aggressive movements of the Bishop of Rome served to solidify the relations between the Ecclesiastical and Secular power in England. This pressure was resisted by the Civil Government, though ostensibly some of the sovereigns of England submitted to foreign Ecclesiastical jurisdiction, but more than the statute laws of the realm authorised. However, both King and Parliament were by virtue of the relation between the Secular and Ecclesiastical power in England always able afterwards to take an effectual stand against aggression from without. It was thus found by the Crown lawyers at the Reformation that the statutes enacting the authority of the King in reference to the Church were only declaratory of previous regulations to the same effect, provided for in the laws of the Saxon, Norman, and Plantaganet kings.<sup>3</sup>

<sup>1</sup> As well as a reform of the Public Code whenever necessary. No more apposite illustration of the drift or power of Saxon Civilization can be adduced than the life and labours of Alfred the Great.

<sup>2</sup> For instance the mode of administering Baptism, and the time for keeping Easter.

<sup>3</sup> Of course the chief leverage here was Church and State.

*The Norman Period till the Reformation.*

In passing from Anglo Saxon into Norman history one treads on somewhat new ground, but not to the extent that is generally supposed. For instance, it is asserted that scarcely any trace is discoverable under the Norman kings, or indeed, during any reign antecedent to the Tudors, of existing relations between the Civil and Ecclesiastical Power in England. The true position, however, and one, of course, which materially strengthens the foundation of the connection between Church and State, is that it has been gradually developed with each advance in the formation of the British Constitution. This admits of being clearly illustrated from the history of the British and the Anglo-Saxon Church, a remark applicable to the National Church from the accession of William the Conqueror to the death of Henry VII. The new order of things, inaugurated by the Norman settlement in England, tended directly by the contact which it induced between Clergy and Laity, as well as between these two orders and the Sovereign, to impart a special direction and development to Church and State.<sup>1</sup> Some express surprise that any progress, social or Ecclesiastical, could have been achieved under the Norman kings. The Normans ushered into England much tumult and confusion of rights to all at first, inasmuch as the Conqueror adopted violent measures both in Church and State,<sup>2</sup> but did not make that clear sweep of everything which is generally ascribed to him. On the other hand, he appears to have utilised much of what he found existing in Anglo-Saxon civilisation.<sup>3</sup> Under this monarch feudalism was thoroughly acclimatised in England, so as to contribute to bring together Church and State as two grand co-operative agents of Government blended into one. Harmony of action between the Ecclesiastical and secular ruler was, however, at first, to a considerable extent, interrupted or prevented by William's legislation. The drift of the Conqueror's policy

<sup>1</sup> At this period we may observe the germs of those disputes which at once sprung out of the ambition of the See of Rome, and at the same time laid the foundation of the independence of the Church of England.

<sup>2</sup> The state of things which William found in England necessitated this.

<sup>3</sup> There are decided traces of feudalism in the laws of the Anglo-Saxons.

as applied to the Church, was partly sordid and partly directed to an abridgement of power in the clergy. Both William the First and William Rufus evinced little compunction in appropriating the revenues of the Church, and therefore framed their laws in the mould of confiscation.<sup>1</sup> The religious houses were in some cases stripped of their possessions in order to replenish the exhausted exchequer of the Crown. In the nature and operation of Norman sovereignty and of the State generally upon the Church lies the relation, in those days, between the Civil and Ecclesiastical Powers in England which discloses several of the causes, not always allowed for, and perhaps not always understood which, by operating on the King and Parliament, had so large a share in helping to construct the fabric of Church and State.

Feudalism, while it brought Church and State into the closest possible connection, first, by converting the bishops into barons of the realm,<sup>2</sup> and secondly, by rendering, unless specially exempted, all Ecclesiastical property answerable for Civic dues, likewise paved the way for the supremacy of the Sovereign. The keystone of the edifice of Church and State is the royal supremacy. The object, however, of the Norman kings, in their efforts to attain the full rights of Sovereignty, though to some extent for selfish ends, was not completely so. The Conqueror's policy and legislation, as designed to cripple Ecclesiastical power, was, as he considered, for the advantage of the State. William and his successors had, no doubt, often sinister aims connected with their own aggrandisement in such restrictions on the clergy, yet the reigning Sovereign was invariably obliged, if not in spirit yet in fact, to defend the realm. Many have argued that the real effect of the king's attacks on the Ecclesiastical order,<sup>3</sup> was after all, to throw

<sup>1</sup> An early foreshadow of coming trouble in the Church appeared in William's refusal to allow the Archbishop of Canterbury to perform the ceremony of Coronation.

<sup>2</sup> Feudalism, while it brought the Church into close alliance with the State, did not attempt or profess to extinguish the function of the bishops as spiritual rulers.

<sup>3</sup> It has also been the opinion of some that the practical tendency of the relation itself between the Civil and Ecclesiastical Power in England during the Norman period, was to throw the balance of power entirely into the hands of the Clergy.

power into the hands of the Clergy; but if so, it roused the animosity and jealousy of the barons of England, who succeeded in carrying out a plan of remedial legislation,<sup>1</sup> the result being that the statute book became filled with enactments preservative of Regal prerogative, as well as of what we now call the liberty of the subject.<sup>2</sup> But whatever the object of monarchical opposition to the Clerical claims, which were urged, however, often merely at the bidding of the Holy See, there can be no doubt that both an opportunity and pretext for interfering over Ecclesiastical affairs, and by degrees, dominion over the Church of England, were acquired by the Bishop of Rome. The English sovereigns had no relish, it is well known, for Papal usurpation:<sup>3</sup> "I will have," said Rufus, of one of the occupants of Peter's chair, "nothing to do with him, but move in the same freedom as before." But in spite of that inherent love of liberty so deeply ingrained into the English character, the Papal See found its ambition often rewarded beyond its most sanguine expectations. The relations subsisting, more especially after the full adoption of Feudalism, between the Ecclesiastical and Secular Power in England afforded, however, to the Sovereign leverage for neutralising foreign interference in the affairs of the National Church.<sup>4</sup>

But eager as the Papacy was, more especially from the period of the Conquest, to assert its authority over the Church of England, such designs would probably have been wholly abortive

<sup>1</sup> They employed the Sovereign as an instrument for this purpose.

<sup>2</sup> The altercations between the king and the Clergy gave the Roman See real power over the Church of England; but Parliament was careful to interfere.

<sup>3</sup> This may be inferred from the conduct of the English kings on different occasions, and from repeated prohibitions.

<sup>4</sup> By procuring the enactment of prohibitory Acts of Parliament. Sir Edward Coke, in his famous fifth Report, asserts that if such laws—those for instance, of provisors and *præmunire*—had not been enacted, the kingdom would have ceased to be imperial, and have become a mere tributary province to the Bishop of Rome, or rather part of St. Peter's Patrimony or *Demesne*.

were it not for the Crusades,<sup>1</sup> which rendered especially available the means used by the Holy See for its purpose. Its grand fulcrum lay in the disputes between the king and clergy, as well between the clergy, more especially, the two archbishops, among themselves.<sup>2</sup> Subsidiary to this were introduced into England three very powerful aids, namely, (1) Legatine Power, (2) the Canon Law, and (3) Monastic Institutions. In addition to the virtual paralysis of the Sovereign's authority which was implied in these three engines of power, another source of chronic weakness to Great Britain consisted in the constant drain of money and treasure which flowed out of the kingdom into the exchequer at Rome.

Some estimate may be formed of the magnitude of such ambition, when we subjoin the following outline of what happened as between England and Rome, from the accession of William the Conqueror till the reign of Henry VII. The germs of many of these pretensions date earlier back than the Norman invasion, being coincident with St. Augustine's mission, and even in some instances apparently anterior to this.

Perhaps next to the Crusades, and ecclesiastically above them, we know of no more efficient instrument for fastening the chain of foreign serfdom on the Church of England, than the gift of the Pall.<sup>3</sup> From time immemorial there had subsisted well defined relations, as regards the Episcopate in England, between the Church and State; but here was a direct effort to overturn this connexion; with stealthy step, the Roman See continued to move towards its object, first by making the Pall a mark of recognition, secondly of confirmation, and finally of the actual

<sup>1</sup> It is not requisite to prove this in detail.

<sup>2</sup> After a time it was observed that the clergy were not averse towards admitting the Pope's claims.

<sup>3</sup> A mantle (Pallium), reaching not quite down to the waist. It was given in the fourth century by the Emperors to the Episcopate as a mark of honour. No such ornament appears in the Western Church till about the sixth century. Pope Zachary was the first Pope to grant the Pall to all Archbishops and Metropolitans about the middle of the eighth century. (Hook's Church Dictionary, art. Pall.) See also Sir Roger Twysdon. *The Church of England not Guilty of Schism*, c. iii.

gift of metropolitan power. We find the Roman Pontiff on the one hand refusing the Pall, that is, virtually denying the legality of appointment in the case of a prelate already nominated by the king and duly consecrated; and on the other, consecrating an elect archbishop contrary to the will of the Sovereign and of the Primate of all England.<sup>1</sup>

The privilege of the Pall, it soon became evident, was not to be to the Holy See a mere barren distinction. Quickly upon the claim itself followed that of investiture, and next, attempts to appropriate the temporalities<sup>2</sup> during vacancy. The Sovereigns of Great Britain, mostly excellent rulers, have been, of course, no better than men, and they reasoned that if these sums of money were within reach they and not a foreign potentate should be the recipients. Our kings, therefore, took a firm stand against these claims of Rome and called in the aid of the civil power, which from its peculiar connexion with the Church of the realm, was enabled to secure the king victory, in this arduous and at times dubious conflict; however, the triumph itself, although to some extent a termination of the dispute between the king and pope, was the beginning of strife between clergy and Sovereign, a fact that subsequently enabled the See of Rome to regain much of its previous and something of fresh dominion over the Church of England. This appears the ultimate consequence, practically, of the compromise which, without touching the institution of the Pall and its concomitant claims, enacted that every bishop should do homage to the sovereign for the temporalities of his See. The perfecting, however, of our system of Church and State after the Reformation has had the effect of more accurately defining, as well as legally fixing, the prerogative of the Sovereign in episcopal elections, and we must not overlook the salutary results of such an arrangement.

One direct effect of the privilege of the Pall was the facility afforded to the Holy See of interfering not only in episcopal but

<sup>1</sup> Such invasions of national freedom and of the independence of the Church were ultimately only capable of being checked by Church and State.

<sup>2</sup> Bishopricks and afterwards of Benefices.

clerical elections generally. From aggression on the rights of the capitular bodies of England, the Pope proceeded to extend his usurped authority to Benefices. These claims, which legally it was known were untenable, impoverished the Sovereign, and proved vexatious to the people owing to pecuniary exactions and fines levied by the Bishop of Rome. Quite a depletion of national wealth was caused by the variety of these papal demands, which may be classified as follows:—(1) Ancient Romescot, or Peter's pence; (2) Money levied on appeals, privileges &c. purchasable at Rome; (3) First fruits; (4) Sums raised by taxation, *e.g.* for Crusades; (5) Money exacted for the legates as procurations—a very heavy burden, and precursor of enormous popular discontent; (6) Sale of benefices, or provisions as it was styled. All this injustice had possibly been abortive<sup>1</sup> had not the Papacy been able to execute its behests, chiefly by Legatine power, and perhaps not quite so generally, but still very effectually, by the monastic orders in England.

Legates, as Papal emissaries, were despatched from Rome under various pretexts and for various purposes. Legations sometimes were simply missionary expeditions; sometimes embassies to obtain national recognition for the canons of particular Councils, and, perhaps, more frequently the arming with special powers of some known partisan for either the contrivance or execution of some scheme then uppermost in the mind of the sovereign Pontiff.<sup>2</sup> These powers were not always of the same range, though occasionally, as in the case of Wolsey, they attained an unprecedented elevation. However, it proves the sustaining influence of the Crown's jurisdiction in Ecclesiastical matters to discover that under pressure of such foreign dictation our English kings resolutely and sometimes effectually prevented the exercise of Legatine authority within their dominions; indeed, Churchmen, in those days, and of high pretensions too, so far found themselves unable to resist the genius of the British Constitution, as built on an equipoise between Civil and Ecclesiastical power, that none more than

<sup>1</sup> Always, *i.e.* before as after the Reformation.

<sup>2</sup> And the College of Cardinals.



they abandoned their lofty pedestals and evinced greater alacrity to come to the rescue of regal and national freedom. Anselm, for instance, peremptorily opposed Legantine authority as defined by one of the most ambitious of the Popes, Gregory VII.

The portentous strides, however, which the Roman See was enabled to achieve towards supremacy by the machinery of Legantine power, were materially supplemented by the monastic orders in England. Whatever support these institutions afforded the Papacy in Great Britain was mainly before the Reformation, as since their dissolution by Henry VIII. they have never regained their old *prestige* or opportunities for intrigue.<sup>1</sup> For more than two centuries after the Reformation monastic institutions, if we except the Jesuit order, cannot be said to have manifested much inherent vitality or power with the advance of civilization; the highest meaning and the only conservative use of conventual life would seem, in a degree, gone. We must not, however, ignore the fact that monasticism, at the time of its origin was a natural offspring of the period when it arose into life, and that in some respects it has in its day done service to humanity. The institution itself was peculiarly apposite to the condition of society in Europe, out of which monasticism was developed in the West. This is evident from the eagerness with which the austerities but, withal, repose of conventual orders were submitted to, more especially by the upper classes. Nobles left their baronial halls, queens their palaces, and monarchs their thrones to win, as they were taught to believe, everlasting life by the abandonment of the pomp and duties of their secular positions. It is, we believe, this very desertion which grates so harshly upon the common sense of mankind now.

Monastic institutions, relatively to the condition of Europe at one period, answered a good purpose, the question now being whether social and other changes since then palliate their present existence. But it is not sure<sup>2</sup> that the monastic system has

<sup>1</sup> However they at present exist in considerable numbers throughout England.

<sup>2</sup> And there is strong presumptive evidence to the contrary.

been ever quite congenial to the idiosyncrasy of the British people. We have, however, historical evidence to show that the arts and habits of the cloister impaired the national character of the Church and all but annihilated its independence. This will be evident to those who bear in mind the distinction between the secular and regular clergy.<sup>1</sup> There rose up in the very centre of the Church of England, which was bound in obligations by virtue of the Constitution to the Civil Government, a particular, we might say separate order of Christian ministers, who acknowledged no jurisdiction except that of the Bishop of Rome or some functionary or religious Confraternity recognised and commissioned by the Holy See. This constituted the introduction into Great Britain of an *imperium in imperio* to such an extent that for nearly two centuries monasticism retained paramount sway over the Monarchy, National Church, and Parliament of England. It was not till the ancient relations between the Civil and Ecclesiastical power of the realm were partly reasserted and partly constituted in Henry VIIIth's reign that the king was able to dissolve these religious foundations. Upon the spirit, extent, and mode in which the uprooting of monasticism was carried out, different minds have taken different views; but it is scarcely open to dispute that the fate of the monasteries and the diminution implied therein of Papal power in England vividly illustrate and furnish powerful testimony to Church and State as a preservative of the nationality of the one and the freedom of the other.

But while our English Sovereigns thus courageously grappled with foreign jurisdiction, they were called on to breast a tempest which now swept over the realm out of the bosom of the Church of England. The clergy in England, stung with indignation at what they conceived<sup>2</sup> to be an invasion of their rights by

<sup>1</sup> The secular were in fact the parochial clergy of the National Church, whereas the Regulars were the Monastic and Mendicant orders bound by rules and vows. To some extent the Mendicant bore a similar relation to the Monastic clergy that the Secularists did to the Regulars. The Mendicants were appointed as itinerant spies on the Conventual Establishments.

<sup>2</sup> But not properly so.

legal restrictions rose up in antagonism against such imagined tyranny. If the Popes were not the primary instigators of such recalcitration against the legitimate authority of the National Church, they yet took very good care constantly to fan the flame of discord. There was much to ensure the success of the Papacy if we recollect the condition of the Church at the period approaching the appearance of Wycliffe. Though Roman Catholicism is quite alien to the natural bent of the national character, the Holy See had still made opportunities for riveting its chains on England. Some tell us that the immoderate demands of successive English kings upon the clergy by driving the Church to look for shelter under the powerful Episcopate of Rome gave so much authority over the Church of England to successive Popes. This view is erroneous: or even admitting its truth, the kings of England seem to have acted mostly in good faith. The monarch interposed for the purpose of so moderating the influence of the clergy at home as to render the mainspring of their conduct to be coincident with action between the Civil and Ecclesiastical Government. The kings of England thus preserved such an equipoise of power between clergy and people as not only is evidence of a well-defined relation at this period between Church and State, but paved the way for the completion of the institution itself after the Reformation. But whatever has been the practical operation of this bickering between the king and the national clergy, such disputes not only preserved the privileges and influence of the aristocracy, as in rivalry with the Crown, and enlarged the power of the Commons, but brought out on the canvas of our National History a special type of Ecclesiastic.

As a champion of Ecclesiasticism we may adduce Archbishop Anselm, whose inflexible attachment to the privileges of his order, and whose defence of them—a stainless advocacy because coupled with loyalty to the usages and laws of the realm—renders this illustrious Prelate peculiarly deserving of respect and admiration. However one must not be so attracted by the lustre of either his genius or personal worth, as to fail to see, that with all the struggle of his noble soul to be true to the relations he found existing between the Civil and Ecclesiastical

power, Anselm's zeal for the dignity and headship of the Church assumed sometimes the form of spiritual despotism, alas, in that loving heart and cultured intellect. It is hard to suppose that any king, noble, or citizen, coming into contact with such a man, would not naturally incur censure if trying to oppose his wishes or rules—an obloquy which his own sovereign was for wise reasons obliged to encounter. Thus our English kings, long before the dawn of the Reformation, when the supremacy of the Crown had been statutably defined, succeeded in preventing the rise of a purely Ecclesiastical rule in their dominions; thus exerting in practice, and that, too, quite in keeping with the spirit of the statute and common law of England, that supremacy which Parliament afterwards more formally and minutely enacted. It was, however, on account of those peculiar relations, of long standing, between the Church and State which had been so fortified by Feudalism, that our English kings found themselves competent to grapple with an antagonism that threatened destruction to the Church and even Government of the realm.

Another Churchman, Thomas à Becket, demands even a closer scrutiny, as affording a more striking realisation of an Ecclesiasticism that would rid itself of all interference from the secular power. Though contrasting somewhat unfavourably in disposition with his predecessor in the Primacy, Becket deserves and has won applause for several virtues and great force of character. When, suddenly, uplifted by the king from a mere secular position to the highest Ecclesiastical dignity in England, a corresponding change in the habits of the man was the result. Becket became very assiduous in the discharge of his Episcopal office, and made the path of duty the more disciplinary by asceticism;<sup>1</sup> but never did hairshirt mantle a more brave or relentless breast, nor never was a Christian bishop fevered by more inordinate ambition. However, the Sovereign was not worsted in the life-struggle in which Henry was a once plunged with the archbishop. The royal victory was not only decisive, but a visible effect of the relation between the

<sup>1</sup> And house to house visitation among the sick poor.

Ecclesiastical and Civil power in England. The triumph was not guiltless ; but let us draw the curtain across one of the most tragical passages in history, when the archbishop's blood was mercilessly spilt on the altar steps of Canterbury Cathedral. In Thomas á Becket's life and conduct we see the flower and crown of that extreme Sacerdotalism,<sup>1</sup> which spurning restraints from the customs and enactments of the realm, the Norman and Plantagenet sovereigns, at their own imminent risk and inconvenience, persisted in facing till they frowned down.

The violent death of Becket—an assassination that struck Henry with deep remorse—proclaims trumpet-tongued the perils of excessive Churchmanship. Then as now, in order to avert a danger of this kind, the authorities of the realm are able to avail themselves of that equipoise between ecclesiastical and political power, which has descended to us from the wisdom of our ancestors. But Church and State, while imposing a salutary check upon ultra-ecclesiasticism, clearly exposes the sort of difficulties<sup>2</sup> which in the ante-Reformational period surrounded the throne of England. Shielded by Church and State—the barrier it interposed against undue priestly pretensions—our English sovereigns nobly fought their way ; and were, in the struggle for national and ecclesiastical freedom, as nobly sustained by Parliament. But all this royal courage and all the aid of the Legislature could scarcely have been feasible, were it not for the relations existing between the Civil and Ecclesiastical Government. This arduous conflict is recorded in the statute roll of Parliament. The extent and minuteness of such legislation is so far from being known, that we find it to be a general misconception that we are indebted to the post-Reformational period chiefly for the legal construction and settlement of Church and State. Undoubtedly much was achieved in this direction by Archbishop Cranmer's advice and that of the Crown Lawyers to Parliament, but solid preparation for the work had been made in antecedent legislation. In fact many of the more distinctive and

<sup>1</sup> Alike alien to the spirit of English Law and of our Constitutional Monarchy.

<sup>2</sup> Difficulties which surrounded, for example, Henry II.

operative changes ushered in by the Reformation, were only the asseveration of principles already clearly recognised and legally sanctioned.

It is impossible to mistake the range and antiquity of Parliamentary legislation on points as between the Church and the Civil Government. The formal enactment, according as our representative system of Government expanded, of politico-religious laws, palpably discovers itself under the Saxon, Norman and Plantagenet Kings.<sup>1</sup> All such enactments must be regarded as so many stones laid in the growing edifice of Church and State, besides securing the independence of our ecclesiastical institutions on any foreign jurisdiction. Were it not for the laws thus passed from time to time, and passed by virtue of relations<sup>2</sup> between the Civil and Ecclesiastical Government, the liberty both of the Church and realm must, it is certain, have collapsed under foreign sway. Exceptional<sup>3</sup> legislation found its way into the Statute book in reference to heresy, with which the Civil power in England thought it right to interfere rather on social than theological grounds, and chiefly from the position of the Church as a National institution. The object of the State was not to sit in judgment on religious truth, but to keep the exercise of Ecclesiastical power within salutary restraint. The Church had up to this, partly as the result of previous usage, partly as a consequence of the Conqueror's policy, not only taken cognisance of Ecclesiastical offences, but punished them with other than spiritual penalties. The Ecclesiastical authorities had further insisted that clergymen, guilty of crime or misdemeanour, were to be held amenable only to the Church, and whether punished or not by the Bishop, should not be called on to plead before a Civil Court. How to put an end to so dangerous a monopoly, and thus restore the proper balance between Church and State, became a rather difficult problem for the Crown. The Civil, at the instigation of the Ecclesiastical power, perpetrated however

<sup>1</sup> The spirit of this legislation is quite in keeping with the English character.

<sup>2</sup> Existing from ancient times.

<sup>3</sup> Probably owing to the influence of the Roman See, whose power in England was temporarily augmented by such legislation.

several cruelties<sup>1</sup> before it established those rights in regard of freedom of conscience, which Reason and Religion alike dictate.

Religious persecution is not, and never has been, a trait of English character, much less an imperfection of the union of Church and State. The Statute *De Comburendo Heretico*<sup>2</sup> was not of indigenous growth, but a palpable violation of the spirit of the connection in England between the Civil and Ecclesiastical power. Here Church and State departed, and in doing so, for the time stultified itself, from prudential rules and customs, which, in so many concerns of the kingdom had hitherto been habitually adopted.

In the midst however of such aberration, and while the heavy chain of Ecclesiastical slavery was clanking around the neck of the National Church, the authorities in England fought their best against usurpation; so that the voice of the Sovereign, the Parliament, and in some sense even of the Church herself, uttered their protest from time to time against this invasion of liberty from without. The tie then between Church and State<sup>3</sup> was not ruptured by the pressure of foreign interference, while the very arts of the Court and Church of Rome became the means afterwards of having the relation between the Ecclesiastical and Civil Government in England moulded into its present form.

Besides religious error, there was another cause more immediately connected with secular concerns, which leavened that mass of public uneasiness which preceded the Reformation. The most fruitful source of evils to any people under monarchy, viz., a disputed succession, often hindered the authorities at home; while their hands were full of cares of State, from coping with the troubles and exigencies springing from Ecclesiastical sources,<sup>4</sup>

The frame of society throughout England was thus out of joint,

<sup>1</sup> The Roman Church induced the English Government to allow those accused of Heresy to be tried by an Ecclesiastical tribunal, and if adjudged guilty to be handed over for punishment—generally death by burning—to the secular arm.

<sup>2</sup> This statute was passed in the reign of Henry IV.

<sup>3</sup> A legacy bequeathed to England from the period of the Apostolical plantation of Christianity in Britain.

<sup>4</sup> The product, in a great measure, of Papal interference.

while the condition of industrial enterprise, and therefore the prospects of national wealth, were gloomy and disheartening. The expenses of civil strife, and the resources necessary to carry on foreign wars, not only impoverished the kingdom, but kept the minds of public men absorbed in the one idea of Government. The clash of arms and the tumult of contending factions, aided by wide-spread laxity of morals and a painful want of spirituality, hampered mutual action between the Secular and Ecclesiastical Government, and even tarnished the Church.<sup>1</sup> A gleam of golden sunshine soon penetrated the gloom of that long night, and discovered once more the Scriptural foundations as well as the Nationality and true Catholicity of the Church of England.

<sup>1</sup> At the Reformation, when the antiquity of the alliance between the Civil and Ecclesiastical power, which forms the basis of Church and State, was proved beyond all question.



## CHAPTER III.

## CHURCH AND STATE SINCE THE REFORMATION.

Aid given by the Civil power to the Church and *vice versa*.—Church and State developed with the progress of the Reformation.—Conflict between the Church and the Government.—Church and State defined and settled.—The aspect of the Establishment towards Nonconformity.

DURING the progress of the Reformation, and one of its chief consequences, the edifice of Church and State which had been centuries in building, was finished. But if so, the position which the State was able, both historically and constitutionally, to assume in reference to the Church was one, if not perhaps the chief, cause that tided the Reformers over their difficulties.<sup>1</sup> Were it not for the solid prop which Cranmer discovered in the Civil Government and the secular jurisdiction of the Sovereign, several, if not all, of the Archbishop's masterly measures had been foiled. In comparing however the claims of the ante and post-Reformational periods, as to their share in the development of Church and State in England we must make an award in favour of the latter. We start in our enquiry respecting Church and State in England from the reign of Henry VIII., respecting whom certain personal questions have been raised, which we need not discuss. As a thorough Englishman he was foremost of the foremost in contending for the independence of the National Church of foreign jurisdiction. In seeking to maintain inviolate the liberties of the Church and realm, he was very materially aided by the prudence and foresight of the ministers with whom he surrounded himself. We are not examining into Henry's motives and character, nor those of his advisers, nor the circumstances which brought on the Reformation in England, and

<sup>1</sup> Anyone who peruses Burnet's History of the Reformation cannot fail to observe this.

with it a closer alliance than ever between Church and State. On the one hand we had a vast accumulation of theological error,<sup>1</sup> coupled with quenchless ambition in the Papacy. On the other hand, Europe had just witnessed a general resuscitation of the human mind, when it rose up out of stupor, like a giant refreshed with wine.

What lay at the basis of the Reformation in England was the paramount sovereignty of the monarch,<sup>2</sup> as recognised and acted on during the Saxon and Norman reigns. Such authority was rendered more clearly a matter of public obligation by means of the legislative statutes of Henry VIII. and Elizabeth. The supremacy of the king over all estates of the realm—one of the central principles in Hooker's *Ecclesiastical Polity*—placed the reigning Sovereign not only in a position most favorable for the work of Reformation, but for recasting the relations between the Civil and Ecclesiastical power. The collapse of royalty, under Cromwell's Protectorate, and the dissolution, at the same time of Church and State, may satisfy us of the organic connection between sovereignty, as defined in the Acts of Parliament, and that relation between secular and spiritual government, without which Church and State would be a mere notional thing. The scope thus afforded for the exercise of regal power enabled Henry VIII., and afterwards Queen Elizabeth, to adopt summary measures of reform in the Church, and indeed realm. The emergency was obviously very pressing, but the magnitude of the situation brought upon the stage a man whose unusual capacity proved equal to the crisis—Sir Thomas Cromwell.

Cromwell's aptitude for business rendered him as minister of the Crown of especial value in the undertaking, which followed the

<sup>1</sup> And, indeed vice, with indifference in the clergy.

<sup>2</sup> The supremacy of the king was grossly misrepresented by the opponents of the Reformation. For instance, the Pope denounced Henry VIII. to be both a heretic and schismatic, because he denied the Bishop of Rome to be head of the Church and Vicar of Christ. The king, however, as Twissden observes, had done neither the one nor the other. He had not denied that the Pope was Vicar of Christ in his own diocese; he had simply denied, (and that with the consent and approbation of the bishops and clergy of Henry's kingdom,) he was the head of the Church throughout all the world, and consequently in the realm of England.

enactment of the royal supremacy,<sup>1</sup> namely, the dissolution of the monasteries.<sup>2</sup> The policy and justice of Henry's conduct towards the religious houses in England has been warmly discussed. No candid student of history tries to ignore the gratitude which mankind owes monastic institutions. These retreats had their day, when, in the midst of surrounding barbarism, they exerted many civilizing influences. There is, however, point in the objection to such confraternities in our day, that the state of society which produced monasticism has passed away. However, the supremacy of the Sovereign was a dead letter while the religious houses were left standing. The monasteries and conventual establishments in England constituted a vexatious *Imperium in imperio*. Within the walls of these institutions were many of blemished lives, while the enormous wealth of the several orders, tempted, it is to be feared, the cupidity of both the king and the aristocracy.<sup>3</sup> Legal changes solidifying the fabric of Church and State as a result of these two fundamental enactments, viz., the royal supremacy, and the dissolution of monasteries, became easier and more frequent; preeminent among which were the Acts of Parliament against the Pope's authority in England. The way was thus cleared for measures bearing more immediately on the clergy, such as a limitation in the powers of the Ecclesiastical Courts, a prohibition of the clergy to meet in Convocation without license from the king, and, in fact, a declaration of the paramount sway of Parliament. No more practical evidence of the progress achieved in cementing the tie between Church and State at home need be quoted, than the circumstance, that Henry VIII., though formally summoned by Ecclesiastical authority to attend at the Council of Mantua, positively refused to enter an appearance there even by proxy. All this self-assertion, however, on the

<sup>1</sup> The king's supremacy was likewise misapprehended, as it is, by the Dissenters, the truth being, that neither Henry VIII. nor Elizabeth was declared head of the Church of England in such a sense as to be the source of any merely spiritual jurisdiction, but only in such a sense as to be the source (exclusively of all foreign power) of all outward and coercive jurisdiction in England.

<sup>2</sup> This afterwards turned out a powerful auxiliary to Church and State.

<sup>3</sup> The latter more than the former.

part of the king and Parliament had been abortive, were it not for the blow struck against Papal authority in England by the suppression of the monasteries. These institutions were a resistless fulcrum for the Papacy over the Church of England, and till eradicated out of British soil no real step onward could be achieved in the work of Reformation.

All these changes, however important in themselves, can be regarded as at the best but preparatory, as the relations established, or perhaps, we should rather say, renewed and confirmed by the Reformation, between Church and State in England required the support of measures not only of a negative but positive nature. Of the latter kind may be classed the various steps taken in the Reformation of the Church properly so called, although the alterations here,<sup>1</sup> would, in all probability, never have been carried out except for the Civil operating on and through the Ecclesiastical power. The secular arm itself would have been paralysed, were it not for the reciprocal action which had subsisted almost from the very first,<sup>2</sup> between the Civil and Ecclesiastical Government in England. The measures to which we now advert were those connected with the Reformation of the doctrines, formularies, and discipline of the Church. But in achieving this great work, it should ever be remembered that it was simply a purgation of error, and not the enunciation of anything new.<sup>3</sup> What in reality was attempted and accomplished at the reformation was this—superstitious practices imported into England were abolished while the removal of such accretions disclosed to view a body of truly Evangelic doctrine, so that everything that was Apostolic and primitive in Church government was scrupulously retained in our Ecclesiastical polity.

The Civil, acting on and in concert with the Ecclesiastical power in England, and both of them meeting in the person of the Sovereign, was one principal cause of the Reformation, the efficiency of which was considerably increased, if not, in some cases, rendered practicable by the intervention of Convocation.

<sup>1</sup> Of such signal moment too.

<sup>2</sup> See the origin of Church and State in England as already explained.

<sup>3</sup> It is a grave error, therefore, to say that the Church of England dates only from Henry's divorce from Catherine of Arragon.

The existence of Convocation<sup>1</sup> affords in itself a striking illustration of the relation between the Secular and Ecclesiastical power, as realised in the National Church of England. By the concurrence and guidance of Convocation, the Civil Government was very materially assisted in the work of Ecclesiastical reconstruction: the result being, the promulgation, by Royal Authority, of certain Articles of Religion. These may be regarded as the earliest document of the Faith of the Church of England as a Reformed Communion. The Articles appeared in 1536, and were followed the next year by *The Institution of a Christian Man*. This compilation, chiefly drawn up by members of the Episcopal order was dedicated to the king, and accordingly named *The Bishops' Book*. Six years from this date was published *The Necessary Doctrine and Erudition for any Christian Man, set forth by the King's Majesty of England*. This treatise was addressed by Henry VIII to the people, and is styled *The King's Book*. The teachings, however, of these official manuals are not always indicative of escape from theological errors, into which the nation relapsed, as in the case of the Six Articles.<sup>2</sup>

These organic changes involved very considerable labour and anxiety, which devolved chiefly on one who nobly sustained the burden. The chief management of the Reformation in England during Henry VIIIth's reign, principally fell to Cranmer's share, and he was not found wanting. The archbishop breasted a storm, which, had it swept over a Prelate of different fibre, would, humanly speaking, have in all likelihood shipwrecked the Reformation. Cranmer conducted the various negotiations with unexceptionable skill, and lived to see the power of the Roman See shattered and broken in England. The free use which he made of the Civil arm in grappling with the opponents of the Reformation, and crushing them, shows what practical value he found available in Church and State. The solidification

<sup>1</sup> Such as we find it in England.

<sup>2</sup> Such relapse was afterwards neutralised by an authoritative withdrawal of the Articles, as well as by the translation of the Scriptures, and the publication of a Liturgy in English.

of our system of Church and State, implied in all the changes and enactments of Henry VIII. and Edward VI., was however delayed by Mary's reign. This Queen's policy was from first to last a demolition of what had been built up by Cranmer's constructive genius. Her aim was not to annihilate existing relations between the Ecclesiastical and Civil power in England, but to mould them to her own purpose of re-instating the Roman Catholic religion in her dominions.<sup>1</sup> In all this, some allowance must be made for Mary's early training and natural disposition, as well as for her hatred to the Reformation engendered in her dark and gloomy heart by Henry's Divorce from Queen Catherine.

However, this interruption was but of short duration, for Mary was scarcely cold in her grave, before Church and State in England had entered afresh on its accustomed footing of cordial cooperation. Clergy and laity, scared by the cruelties of persecution, crept now out of their hiding place, into the clear noon-day light of a deliverance from the depressing influence of ceaseless alarm; the red glare of the faggot was overshadowed by the sacred radiance of Apostolic Truth, that rose majestically in the midst of the burning wood which consumed the Martyrs' body. One chief interest in these melancholy doings centres in Cranmer, but he, too, has had his detractors. The archbishop had his faults, but let us not forget the gigantic obstacles he had to contend with, the gravity of the situation, and above all, the profound cunning of his opponents. Is there then no excuse for Cranmer, if he sometimes was betrayed into an immoderate pressure of the Civil Government into the execution of his Ecclesiastical policy? If so, the archbishop's alleged erastianism and craft, evaporate under the circumstances in which, as the defender of the Reformation, he was placed.<sup>2</sup>

The progress achieved by Henry VIII, and Edward VI., though suspended during Mary's reign was resumed under Elizabeth.

<sup>1</sup> The Roman Catholic Church, in theory at least, reposes on relations between the Civil and Ecclesiastical power.

<sup>2</sup> His death wipes out every flaw. Cranmer's Martyrdom was pronounced by Voltaire the finest piece of heroism on record.

All these changes illustrate not only the reality, but use of the relation between the Ecclesiastical and Civil power in England. What was accomplished in connexion with the expulsion of error from the National Church, was facilitated, and in some instances, rendered only possible, by the attitude which the Civil occupied in reference to the Ecclesiastical power. Elizabeth discerned at a glance the vast utility of Church and State, and pressed the Civil Government into the service of our Ecclesiastical polity, by surrounding herself with wise and able statesmen.

The first thing was to restore the Prerogative of the Sovereign, which lies at the root of the alliance between Church and State in this country.<sup>1</sup> To all intents, the statute of supremacy was quite as available for practical purposes now, as in the hands of Henry VIII, and Edward VI. This quickly appeared in the fact, that Elizabeth was able quietly to get possession of tenths, and first fruits, as well as any Ecclesiastical lands or property belonging to vacant Sees, by a transference of an equivalent,<sup>2</sup> from impropriations vested in the Crown. Following close on the statute of Supremacy, was that of Uniformity, whereby what had already in Edward VIth's reign and previously been effected, in reference to the *credenda* and internal management of the Church, was once more publicly authorised. In this manner the link between Church and State was repaired, and so far the foundation laid for an established religion in England, though the consummation was not yet reached owing to fresh complications. Such difficulties were intensified by some measures of the Civil Government,<sup>3</sup> for example, the appointment of the High Commission, a species of jurisdiction already resorted to by Henry VIII, and Mary. Such arbitrary expedients were adopted by the State partly to resist the antagonism of Convocation,<sup>4</sup> and

<sup>1</sup> In the Supremacy Act under Elizabeth, she objected to the expression "Head of the Church," which accordingly was modified in the wording of the Statute.

<sup>2</sup> Or what was thought to be so.

<sup>3</sup> The Civil power was actuated by the praiseworthy intention of throwing oil upon the angry waters.

<sup>4</sup> Towards the Reformation.

partly to neutralise interference from the Papacy. The Sovereign Pontiff finding himself entangled in his own net, retaliated by hurling the thunders of the Church against the Queen of England.<sup>1</sup>

But while such measures were being adopted on the one hand, for the purification of the Church from doctrinal errors, and on the other, for properly adjusting the relation between the Ecclesiastical and Civil Government, it was possible, or rather likely, that violence, and to some extent, usurpation, should prevail. One great provocative being the spirit of opposition cherished against reform by Convocation. The Queen's enactments, however, developed antagonism in others, namely, those who refused to withdraw their allegiance from the Holy See.<sup>2</sup> The Roman Catholics, as they now began to be distinctively termed in England, did not literally withdraw<sup>3</sup> from the Anglican Church, till Felton nailed the Popes' damnatory missive, depriving Elizabeth of her throne and subjects, against the gate of the Bishop of London's Palace.<sup>4</sup> Taking the stand they did, it might be expected that they would soon incur the displeasure of Government. Therefore, under the statute of uniformity, the most summary measures were adopted, such as the ejection of the bishops and beneficed clergy, who refused compliance with the law. The Court of Commission, a tribunal entirely alien to Church and State, was frequently the designer, and mostly the administrator of the harshness perpetrated at this period, under the statute of Uniformity. Elizabeth and her advisers, with all

<sup>1</sup> This remarkable Bull, the contents of which are worthy of perusal, has never been reversed, and therefore still impends over the reigning Sovereign of Great Britain.

<sup>2</sup> The Bull of Pius V. deposing the Queen, coerced the Roman Catholics to oppose the Crown and State.

<sup>3</sup> They thus became leaders of Nonconformity, in seceding from an apostolic branch of the Catholic Church. What is involved in the separation for the realm of England appears in the Pope's Bull—still unrepealed—dethroning Elizabeth.

<sup>4</sup> Circumstances afterwards took place which paved the way for Puritanism, but if so the Roman Catholics have been in England the progenitors of Nonconformity.



their peremptoriness, very soon, however, were obliged to relax their severity, so that moderate counsels temporarily prevailed. The Queen,<sup>1</sup> however, acted throughout these delicate and perplexing negotiations with admirable temper and foresight; but, with all her sagacity and good sense, must have made but little head way against the Church of Rome, were it not for relations subsisting between the Ecclesiastical and Civil Government in England. In this way Her Majesty was enabled to secure for the Church, the services of some eminent lawyers, whose legal acumen and erudition, kept whatever changes were agreed upon within the limits of the Constitution, and those of Apostolic doctrine and discipline. In this work, both the Church and the State were materially assisted by the character and ability of Archbishop Parker.

This active and politic Prelate was called on to breast a loud and desolating storm that now swept over the Church of England,<sup>2</sup> and which, though springing out of an insignificant source,<sup>3</sup> produced consequences of magnitude for the National Church, and more than helped to bring on the civil war which hurled Charles I. from the throne. Those who took part in these troubles as on the side of the Crown and Church, though not entirely blameless, are not as culpable as those who were opposed to the constituted authorities. The advocates of Church and State stood calmly and nobly in the breach till the overwhelming violence of Democracy, operating through Puritanism,<sup>4</sup> drove Churchmen and Royalists out of England. In the outset of his conflict Archbishop Parker,<sup>5</sup> in like manner as Cranmer, made free use of the Civil power to enable him to hold his ground

<sup>1</sup> So far as Her Majesty was personally concerned.

<sup>2</sup> A disturbance the more lamentable as it originated out of comparatively the merest trifles.

<sup>3</sup> "How great a fire a little matter kindleth."—James iii. 5.

<sup>4</sup> And afterwards through the Independents.

<sup>5</sup> Parker never entered the thick of the battle as Cranmer did, but only hovered on the edge of that field of fight where Laud and Charles I. lost their lives.

with the Nonconformists. The result is that one finds it not easy to separate the lines of secular and Ecclesiastical history at this eventful period. The manner in which Queen Elizabeth met the crisis redounds to her credit not only as a woman of signal ability but a Sovereign of constitutional wisdom. With the bishops and clergy, as with the queen, there was a deep sense of the perils of the situation as well as of the expediency of setting their house in order.

Especial activity displayed itself in Convocation during the last decade of Elizabeth's reign. Not only were the Thirty-nine Articles re-subscribed, but the establishment of a code of Ecclesiastical Law was brought under consideration, and a set of Canons pertaining to Church discipline drawn up. More particularly a very available summary of Church Reform was dislodged<sup>1</sup> from obscurity—we mean, the *Reformatio Legum Ecclesiasticarum*. This remarkable document was drawn up by Archbishop Cranmer, but having been laid aside was never, we believe, legally enacted.<sup>2</sup> No better success attended the book now; as Elizabeth, naturally adverse to Ecclesiastical reform, except what emanated from her special authority, effectually opposed any changes that might otherwise have ensued.<sup>3</sup> The temporising and vacillating policy of the Court, there can be no doubt, hurried on the catastrophe which subsequently overturned<sup>4</sup> Church and State in England. The more systematic the efforts of the queen and clergy to stem the current of innovation, the fiercer afterwards was the flow of pent-up waters. And when, at last, the barriers were demolished,<sup>5</sup> and the sluice uplifted by Cromwell, a flood of Democracy rushed in, uncontrolled and uncontrollable, entirely submerging for a time the venerable fabric of Church and State in England.

<sup>1</sup> Owing to the exertions of Convocation.

<sup>2</sup> Owing to interruptions caused by the death of Edward VI.

<sup>3</sup> The non-legalizing of the *Reformatio Legum Ecclesiasticarum* has ever since been regretted.

<sup>4</sup> For a time.

<sup>5</sup> By the interference of the House of Commons.

The House of Commons<sup>1</sup> now exerted its authority, in legislating for the Church without consulting the clergy; the effect being, that the struggle, as between the secular and spiritual arm was merged into one of an entirely Civil nature, and all Churchmanship branded as an invasion of the rights of Government.<sup>2</sup> There never was a time in our national history in which the temerity of ignoring Church and State as two factors in the Commonwealth of England was clearer, than in the events which preceded and followed the Civil war of 1642. The legitimate inference from which, is wholly on the side of a due equipoise of power between the Civil and Ecclesiastical Government, and of such an alliance between Church and State as would produce cordial co-operation between clergy and laity.

This critical period in the history of England, proves how closely had been cemented the tie between Churchmen and Statesmen.<sup>3</sup> Therefore it was that Queen Elizabeth, as well as by her signal abilities, was able to retain the reins of Government and control the nation. After her death, faction gathered strength, while the glory of English monarchy was seen departing.<sup>4</sup> The whole purpose of the anti-monarchical party, from Elizabeth to the Charles I, was to obliterate that connection between Church and State which the Puritans completely repudiated.<sup>5</sup> The steps of declension were progressive, which led the executive to perpetrate its subsequent anomalies. Among these, was an organised invasion, entirely unjustifiable, by the laity on the functions of the clergy. One of the worst conse-

<sup>1</sup> Perhaps newfangled with power.

<sup>2</sup> The privilege of the Episcopal order was pronounced by the Puritans, an appropriation of what strictly belonged to secular power, the result being, that the Puritans built the State on the ruin of the Church.

<sup>3</sup> It took close upon a hundred years to dissolve the connection, which, however, was soon re-established.

<sup>4</sup> Under Charles I., regal prerogative was more a name than reality.

<sup>5</sup> The experiential consequences of this were afterwards adduced by advocates of Church and State as a forcible argument in its favour. After the throes of Civil war had subsided, people recoiled against its effects, and seized the earliest opportunity of reverting to the ancient *regime* of Church and State.

quences of this was the excision of Episcopacy, an institution which though deriving its claim from higher sanction than the of Secular Government, has always been a healthy support to the State.<sup>1</sup> The collapse of the clerical order under opposition to the Church, on grounds of ritual and government, paralysed a concerted action between the Ecclesiastical and Civil power. The experience<sup>2</sup> of the hurtful effects of separation between Church and State, rendered the nation eager to seize the earliest opportunity for restoring the ancient *regime*. The return to monarchy, however, was but a partial remedy, and to some extent, not only not restorative, but retrogressive. The Presbyterians adverse to Episcopal, and indeed, regal prerogatives, and the Independents, antagonistic to all Ecclesiastical organisation, produced extremes in opinion of a most obstructive and hurtful tendency, so that it was some time before matters even partially righted<sup>4</sup> themselves. At the accession of William III., the relations between the Secular and Ecclesiastical power in England were made to occupy their former footing, a reinstatement which settled Church and State in England on the existing basis.<sup>5</sup> But this change was curative rather than creative, and in fact, merely re-affirmed principles already transparently written in the laws and customs of England; this reconstruction being the more feasible according as the Ecclesiastical and Civil power worked harmoniously together. The Church of England was both fitted and entitled to the position now secured for her at the Reformation and Revolution of 1688. As an apostolical plantation,<sup>6</sup> the Church of England was the lineal descendant of the British Church, and as such, was from time

<sup>1</sup> The obligations of the Church to Episcopacy is beyond all question.

<sup>2</sup> Under Cromwell's Protectorate.

<sup>3</sup> They would split the Church into as many fragments as there could be found congregations.

<sup>4</sup> Nothing very effectual could be achieved till the Revolution of 1688.

<sup>5</sup> This consummation was not completely attained till the principles of Toleration were fully admitted and acted on, both inside and outside the Established Church.

<sup>6</sup> Or a plantation made in the lifetime of some of the Apostles.

to time enriched by gifts of money, lands and houses; one result of this munificence being, to place the Church under the protection of the crown. In this way were developed, from century to century, not only those different relations and reciprocities which comprise the sum total of what we call Church and State, but that independence of foreign jurisdiction, which, though frequently and seriously interfered with, has never been statutably admitted, or popularly recognised.

But there is no technical, in the sense of statutable, explanation of these relations, they rather being matter of the common law, and having grown up with the growth of the British Constitution, though, at the same time, indirectly established by certain Acts of Parliament. Formal legislation is not required for the accomplishment of what arose in the instance of Church and State from the nature of the case. When the Church was apostolically planted in this island, she found existing a condition of things<sup>1</sup> which involved elements of mutual attraction between the Britico-Roman State and the Christian Church, a connexion which external events afterwards served to develope and strengthen. The great lines of society and the Church during Saxon and Norman times intersected each other in England. Along with Feudalism came into working order an organisation, the resultant of joint instrumentality in the Civil and Ecclesiastical government, which enabled successive kings, from William I. to William III, not only to uphold the liberty of the realm, but by tempering Church authority in regard of coercive jurisdiction, quite to prevent any outburst of pure Ecclesiasticism. Had this connexion not existed, had the Church been repelled by the Civil magistrate, it would certainly have been at the expense of national freedom. Church and State, at and after the Norman Conquest, saved England from Ecclesiastical despotism.

In adjusting relations between the Civil and Ecclesiastical Governments, both of them strong and distinct individualities, (1) the Church might have been left to itself and the State to itself, without any connexion between either. (2) The Church might have been taken under the sway of the Civil Government,

<sup>1</sup> More particularly arising out of the municipal institutions of the Roman empire.

and had its discipline, formularies, and doctrines prescribed by the State, as well as all departures from such, determined upon and punished by the secular arm. (3) Church and State might have been regarded only as two aspects of the same subject.<sup>1</sup> The first theory would have convulsed England with almost ceaseless conflicts between Church and State for supremacy, producing the worst of political evils, an *Imperium in Imperio*. The second would have Ecclesiasticised the State, and assigned the Civil power the office of framing formularies and doctrines, a function to which the State has no just claim.<sup>2</sup> The third is the theory practically adopted by the realm and Church of England. Our existing system of a religious establishment does not repose on an annihilation of the substantive existence of either Church or State, but on their conjoint, almost blended action.

The special functions of the Church, as such, and the State, as such, are however kept distinct.<sup>3</sup> The Church of England thus avoids two dangerous errors, that of Erastianism, which would make the Church the mere creature of the State; or that of the Papacy, which makes the State the mere creature of the Church. Relations between the Civil and Ecclesiastical power in England had been so far perfected in 1688, by the Act of Settlement,<sup>4</sup> that no change of any moment has since been made. The Church always was and is, at present, Episcopal, and since the Reformation it has been called Protestant Episcopal. It should not, however, be forgotten that the Church of England rightly claims to be an apostolically planted branch in England of the Catholic Church, and that she has never in any of her formularies or authoritative documents assumed the name of Protestant.<sup>5</sup> Undoubtedly, at the Reformation the Church of

<sup>1</sup> The view of Hooker, and, after him, of Coleridge.

<sup>2</sup> The State usurped this function under Cromwell, the result being great confusion, to say nothing of endless turmoil in the suppression of all religious opinions not patronised by the Civil Government.

<sup>3</sup> As exemplified in the rise and progress of Toleration.

<sup>4</sup> And other legislative measures.

<sup>5</sup> The Church of England is in spirit Protestant so far as rejecting at the Reformation errors and superstitions, but hesitates to adopt the title, for reasons which we need not here discuss.

England was obliged to submit to the imputation that she was only a new Church called into existence by Parliament; but this is as false in theory as it is in fact. The one chief point of importance, in which the relation between the Ecclesiastical and Civil power in England presents itself from the Revolution of 1688, turns on her dealings, as an Establishment, with those outside its pale. Now, once for all, we assert that the Church of England, though falling into occasional errors of policy and conduct towards the Nonconformists, whether Protestant or Roman Catholic, is not guilty of everything laid to her charge. The Church has acquitted herself well and honorably towards those outside her Communion; so that her dealings with Dissenters do not either tarnish her lustre as a religious body, or justify the anathemas which have been hurled against her.

In Puritanism there was a depth of earnestness and self-renunciation that lies at the root of Religion: but still when the temporary overthrow of Church and State in England flung power into their hands, they wielded it both tyrannically and vindictively. The Puritans afterwards,<sup>1</sup> as might be expected, suffered reverses, though not quite so severe as has been generally represented under the Act of Uniformity, which was both advisable, unavoidable, and justifiable under the circumstances in which Church and State was then placed. It is quite another matter whether greater moderation<sup>2</sup> might not, with advantage to all parties and perfect safety to the Church, have been employed. The theory of Toleration,<sup>3</sup> which it is so hard to learn and which the Church of England by means of the relation between the Civil and Ecclesiastical Government has been enabled to teach others both at home and abroad, was not reached all at once. In the reign of Anne a revulsion of feeling

<sup>1</sup> After the Restoration. The 24th of August, St. Bartholomew's Day, when 2000 Clergymen were ejected for non-compliance with the Act of Uniformity, is set down by Dissenters as the beginning of grievances.

<sup>2</sup> In this way the Corporation, Five Mile, Conventicle, and Tests Acts might have been dispensed with.

<sup>3</sup> A clear exponent of the Theory of Toleration may be found in Locke, though in working out his system he utters many fallacies, and betrays prejudice towards the Church.

ensued towards the Dissenters,<sup>1</sup> and after her death the Kings of the Hanoverian line appeared to vie with each other in imparting greater width and significance to Toleration. By successive Acts of the Legislature the Dissenters were practically relieved of all their grievances, and though the Corporation and Test Acts were not removed till so late as 1838, yet these restrictions had been practically a mere dead letter, owing to the Yearly Indemnity Bill.<sup>2</sup>

Remembering the ordeal which Church and State underwent under the later of the Tudor kings, under Charles I. and afterwards up to the Revolution in 1688, it is natural to find in England a deep and sullen dislike to yield the Dissenters any concessions. Now what in a particular state of things is intolerance under different circumstances becomes merely an instinct of self-preservation.

But the fact that Nonconformity once developed has a tendency to spread out into a multiplicity of forms, makes it necessary that an established creed should be the oftener called on, according to the rule of toleration, to permit an evergrowing mass of heterogeneous views in religion, and so to be betrayed into the fallacy of supposing where so much latitude is allowed, that all opinions in theology are alike or nearly so. It is but just one step more to assert that Christianity itself possesses merely an artificial value as, perhaps, an ingeniously devised help for natural religion, but that as such, it is only the invention of man; the real revelation, if any, being that of the reason and moral sense.<sup>3</sup> This relapse into Paganism was, undoubtedly, favoured, if not bred, by toleration.

<sup>1</sup> Of this the Bill against the Occasional Conformity Act and the Schism Act are instances, both being defeated, one actually and the other virtually, by Anne's death.

<sup>2</sup> An attempt was made by Earl Stanhope and afterwards by Mr. Fox to repeal these Statutes.

<sup>3</sup> Nonconformity cannot be held answerable for the laxity of morals coincident with Deism in England, though such licentiousness made its appearance certainly after toleration. Charles's profligate Court, and the recoil against Puritanism cannot entirely account for such popular depravation of manners, which must likewise be connected with the indifferentism in religion springing out of Toleration.



The Dissenters, for instance, though some of their divines, Lardner and Leland, rendered powerful service in the refutation of Deistical error, were never tired, boasting what Lord Herbert, Shaftesbury, Toland, and his fellow writers had done for religious liberty. However, we do not father Deism on the nonconformists, but rather on the operation of their principles over unity of religious thought. The wide margin sanctioned in the ethics of those who were so loud in denouncing everything short of uncompromising toleration, led straight into Deism.

Many regard Germany as our schoolmaster in naturalism, whereas it was English Deism which produced continental rationalism, and envenomed the arrow of modern unbelief. Had Hume not propounded that subtle scepticism which it is so hard to parry by the reasoning process, and if Hobbes before him had not dealt out those rude blows which shook the fabric of knowledge to its base, we had perhaps heard less of German rationalism. But although the continent has sent back to us, only in a more insinuating form, the scepticism which in the 18th Century left our shores, we should never ignore the fact that the Germans have done and are in a measure still doing, for us by their vast historical acquirements, and their painstaking labours as exegetical critics, what hitherto in default of industry and patient study we have been unable to achieve for ourselves.

But whatever be the practical operation in regard of either the multiplication of sects, or the spread of indifferentism, we cannot be justified in a denial of the advantages which would accrue to the Church if a scheme of Comprehension, supposing such feasible, could be carried out. Some of our ablest church historians tell us that a golden opportunity of this description, was, by a narrow and shortsighted policy, lost both at the Restoration, and at the Revolution of 1688. However, judging from what has since transpired it is not quite so sure that this opinion is true, or at least, that it can be accepted without some degree of reserve. But has not the subsidence of one or two of the bitter controversies which a couple of hundred years ago rent English society in twain, and has not the progress inseparable from Civil and Religious liberty removed out of the way the old barriers to union? Some eminent men, for instance Dr. Arnold and his

able biographer Dean Stanley, have had their minds full of the idea of a comprehension. Nothing could be more desirable, if possible without any sacrifice of principle on either side; but certainly the most safe method for any plan of the sort is a maintenance not in a narrow, churlish or unbrotherly spirit towards other denominations, of the union between Church and State, the dissolution of which would, very probably, render comprehension a failure.

It will be objected that, as it was the union between Church and State which, in the reigns of Charles the II, and William the III, rendered attempts at comprehension abortive, it is idle to imagine that the same cause now must have a precisely opposite effect. But not to insist on the charges accompanying the lapse of two centuries in such a hive of enterprise, wealth and intelligence as Great Britain, we should not forget that, situated as the Church of England then was between two fires, Roman Catholicism on the one side, and Puritanism on the other, a comprehension would have eventually snapped in sunder the link between the Civil and Ecclesiastical power. The cohesiveness of our Religious Establishment would thus have been dissolved and the National Church laid low. It was the freshly-cemented union between Church and State, at the Revolution, which kept religious parties within the Establishment together. Had a comprehension, such as was proposed by Baxter, or even one far less illiberal, been adopted, it seems almost inevitable that the Church of England could have parted<sup>1</sup> with organic unity and perhaps gone to pieces.<sup>2</sup>

But since the question of comprehension, as affecting the interests and stability of Church and State, has been mentioned there would seem a most hopeful case in point, namely, Methodism, which many think is of late constantly gravitating towards the Church of England. Wesley's own object, was neither to secede from the Church of England, nor innovate upon her doctrines; but to infuse new life and vigor into her members.

<sup>1</sup> Consult Lathbury's "History of the Nonjurors."

<sup>2</sup> Such a comprehension would have involved changes by which the temporary schism of the Nonjurors would have become permanent and broken up the Church.

In the great work he had entered upon, he was neither repelled by scorn, nor discouraged by toil. The man who, after a single life, could at his death, reckon amongst his flock some 130,000 souls, and under his own personal direction, 500 travelling preachers, must have been a superior pastor indeed. Comprehension with the Wesleyans would only be the re-absorption into our own communion of those who never should have left us,<sup>1</sup> and possibly, it might be made a solid benefit. On the score of imparting strength to the national church, as well as on the general merits, such a proposal is worthy of a calm consideration. It should not be forgotten that the increased hold which the union of Church and State has obtained over the nation, has been owing to improvements within the Establishment which cannot entirely be disconnected from the revival achieved under the founder of the Methodists. A century ago, when Deism was sapping the foundations of Christianity in England, and when the Churchman was slack in his duty and slumbering at his post, it was the voice of the great Wesley that revived the sleeper from lethargy, and uttered such a sound as still vibrates within the confines of the Establishment.

<sup>1</sup> Among the many useful and interesting works on Methodism, we refer the reader to "Wesley's Place in Church History," by R. Denny Urlin, Esq. (Rivingtons.)

## CHAPTER IV.

## THEORIES OF CHURCH AND STATE.

The Church as co-extensive with the State, Hooker's Theory.—Alliance of the State with the Church, Warburton's Theory.—Church and State founded upon Utility, Paley's Theory.—Coleridge, Arnold, and Maurice follow Hooker.—The State Conscience, Mr. Gladstone's Theory.—Dean Stanley's views.

IN the absence of any examination of the theory of Church and State, we have the fundamental principle on which the institution itself reposes most lucidly explained and enforced by all the leading Divines of the Reformation, we mean the necessity of Sovereignty in every civilized nation, and its essential attribute—supremacy. The first great impulse communicated to the argument in this direction, arose from antagonism between Episcopacy and Puritanism. The issues raised by Cartwright, on behalf of the Puritans, and answered by Whitgift, contributed to draw attention to the position occupied by the Sovereign in reference to the State and Church respectively. Cranmer, Ridley, Jewell, and other Divines of the period, came forward as exponents of the relation between the Civil and Ecclesiastical power in England; but owing to their being obliged to dilate on irrelevant topics raised by their opponents, what might otherwise have been a technical treatise on Church and State branched off into controverted matter connected with the Liturgy, ceremonies, vestments, and orders of the Church. But while politico-theological schools were ringing with logomachy, and while the entire kingdom was distracted with disputes connected with contested claims between Civil and Ecclesiastical power, a star of the first magnitude rose to tranquilize the ruffled waters of society, and add lustre to the great nation which fostered his powers. Pope Clement VIII. said of Hooker:—"There is

no learning that this man hath not searched into; nothing too hard for his understanding. This man, indeed, deserves the name of an author: his books will get reverence by age, for there is in them such seeds of eternity, that if the rest be like the first, they shall last till the last fire shall consume all learning."

Hooker was the first who entered on a methodical treatment of the question of Church and State. Those who afterwards worked in the same mine have drawn their inspiration chiefly from him. The discord of Puritanism grating on Hooker's placid disposition elicited from his constructive genius a most able and original work. In addition to a signal refutation of the Nonconformists, not by bitterness and recrimination, too often the weapons of polemic authorship, he has, we may say, created the literature of the question of Church and State, and given an impulse to the numerous writers of that period on the same subject. Into these, comprising almost innumerable pamphlets,<sup>1</sup> we will not enter, but will confine attention to the most systematic only among the writers<sup>2</sup> on Church and State. The influence of Hooker is felt by subsequent writers, for instance, even by Bishop Warburton, who sometimes appears at opposite poles of thought. Perhaps Paley least came within the sway of a mind such as Hooker's; but if so, he succumbed to a somewhat ignoble system of Ethics. But we see the full operation of Hooker's *Ecclesiastical Polity*<sup>3</sup> in Coleridge, who, in his turn, has produced all modern systems, such as those of Maurice and Stanley. The combined influence of antecedent speculation, grafted on a cultured mind and rich imagination, has drawn forth a most elaborate exposition of

<sup>1</sup> Connected with Puritanism, and at a later date with the Bangorian Controversy on the Secession of the Nonjurors.

<sup>2</sup> Hooker, Warburton, Paley, Burke, and Coleridge. The late Dr. Arnold projected a comprehensive work on Church and State, but left after him only a fragment of it.

<sup>3</sup> The progenitor of Coleridge's Essay on Church and State.

the relation between Civil and Ecclesiastical power from Mr. Gladstone's pen. This work for eloquence, reflective analysis, generalizing power, and a faculty of realising the subtle phenomena of religious life, is a masterpiece, in some respects superior to its archetype the *Ecclesiastical Polity*.

Richard Hooker<sup>1</sup> appeared amongst us with his transcendent powers, to achieve in the interests of the National Church, what Lord Bacon a little afterwards accomplished for the advancement of science by recalling investigators of Nature into the proper track of enquiry. Hooker in his department saw the fallacies which had been coiled around the question of our Ecclesiastical polity by two different parties in the State, and from interested though of course dissimilar motives. He pushed his way boldly into the thick of faction with its burning hatreds and strife, and, by his eloquence, learning, and severe argument, was able to tranquillise the fears while curing the ignorance of his own, and to refute the reasonings of other Churches.<sup>2</sup> The *organon*,<sup>3</sup> which Hooker employed for the attainment of truth, was to go to the foundations of the question, and in doing so to fix accurately not so much the final Court of appeal as the method for reaching its judgment. For this purpose he intuitively grasped the idea which lies at the root of spiritual or secular government—obligation, as the only lawful incentive and moderator of action, whether within Church or State.

Hooker's preliminary enquiry, therefore, was one regarding Law, its different kinds and corresponding obligations. In this somewhat abstruse investigation he regards Scripture as the storehouse of revealed Law; but enunciated a principle, forgetfulness of which had too often given his adversaries a semblance of victory, while throwing the theory of Church and State itself into almost hopeless confusion.

<sup>1</sup> Hooker's system of Church and State is unfolded in the 8th Book of the *Ecclesiastical Polity*; but fully to understand his particular theory the entire of this work should be studied.

<sup>2</sup> More especially the early portions of the *Ecclesiastical Polity* operated towards neutralising the special pleading of the opponents of Church and State.

<sup>3</sup> As with Bacon,

A distinctive feature in Hooker's argument was a denial of the principle so persistently advanced by Cartwright and the Puritans that anything relating to the Church not found in Scripture was inadmissible. In opposition to this Hooker proved that Laws for an Ecclesiastical polity may be drawn by human authority, and, when not repugnant to the Word of God, are binding on the Church. He thus undermined the fundamental principle of Puritanism, in its antagonism to Church and State, that Scripture is the only rule of men's actions; and annihilated Cartwright's position as to the necessity of some particular form of Ecclesiastical polity being revealed in Scripture, the laws of which are unalterable. On the denial of this assumption of Puritanism Hooker reared a solid superstructure as perfect and unassailable as any yet built.<sup>1</sup>

Hooker argues that the terms Church and State are interchangeable terms,<sup>2</sup> in this sense that though *duæ formaliter* they are *una materialiter*, or, in other words, that they are different names of the same body politic. The Church, according to him, describes the Community in its Religious, and the State in its Civil capacity. The only body politic of old that could be called the Church, was the Commonwealth of Israel which had the truth of Religion; and so it is that the Church of Jesus Christ is every such politic society of men<sup>3</sup> as holds in religion that truth which is proper to Christianity. This aphorism at once clears the way for the intelligibility of what we call Church and State, because the very essence of Hooker's definition of it is

<sup>1</sup> This really is the key to understanding the controversy as regards Church and State between us and the Dissenters. A chief source of weakness as alleged by Mr. Noel and Dr. Wardlaw comes from the unscripturalness of an Establishment.

<sup>2</sup> We find foreign writers adopting this view. For instance Saravia (*De honor. Prasul. debit.*) denies that they are right who do not admit that the State in its entirety is the Church. Again, G. J. Vossius (*de jure Majestr. in rebus Ecclesiast.*) affirms that the power of a Statesman is either Civil or Ecclesiastical, that is that the State is one or other from this or that standpoint.

<sup>3</sup> See a remarkable passage from Bossuet, quoted by Warburton. *Alliance*, Book ii., c. 1.

that a Church in a Christian Commonwealth is not the clergy exclusive of all the rest of believers, such as Sovereign and People. Therefore we may have as many National Churches as there are kingdoms professing Christianity: out of which fact Hooker elicits two important inferences; first, the Supremacy of the Sovereign over all estates of men in his dominions; and, secondly, the consequent invalidity of the Universal Bishopric claimed by the See of Rome: as he categorically denies that there is or can be any such headship of the Catholic Church.<sup>1</sup> As long as the Papal theory of an Ecclesiastical polity remained unchallenged, Church and State in any country could scarcely exist, even in name. Once however the Royal Supremacy and the Headship of the Church in the person of the Sovereign ruler was substantiated, our Ecclesiastical and Civil polity became at once applicable and admirable.

The Puritans, who vigorously applauded Hooker's refutation of Papal pretensions, were not quite as willing to endorse his position in regard of the Royal Supremacy, but pronounced his fundamental reasoning here to be a fatal argument<sup>2</sup> against the whole theory of Church and State, and, in fact, a dishonour to religion. Hooker's reply,<sup>3</sup> generally felt to be unassailable, reposes on the principle that in Christian Commonwealths the spiritual and secular coercive jurisdiction is realised in the person of the Sovereign, while not destroying the substantive existence of Church and State as mutually independent corporations.

The keystone in the arch of an Ecclesiastical policy, according to Hooker,<sup>4</sup> lay therefore in the intercommunity of the idea of Church and State, and the consequent relation between both and the paramount authority in the Civil magistrate. While this was denied, there could not, he maintained, exist in England a National Church, because from foreign usurpation and domestic

<sup>1</sup> See Dr. Wordsworth's *Theophilus Anglicanus*, Part ii., c. 9.

<sup>2</sup> See Canon Liddon's Memorial pamphlet on the Life and Opinions of the late Bishop of Salisbury.

<sup>3</sup> Elaborately argued out in the 8th Book of the *Ecclesiastical Polity*.

<sup>4</sup> His views adopted by some subsequent writers.



tyranny,<sup>1</sup> there had sprung up two distinctive rulers exercising co-equal authority.<sup>2</sup> But Hooker argues that supremacy, as applied to kings, is no otherwise intended than to exclude partly any jurisdiction from without, and partly the power which belongs to those individually who are contained as parts within that politic body, over which the Sovereign wields supremacy as far as the bounds of his kingdom extend. But this supremacy is defined, regulated, and controled by the Statute and Common Law of England, which, where not repugnant to the Commandments of God, or the dictates of nature, he insists ought to be in force, even in the concerns of the Church. In this way the one silver cord of legitimate and recognised authority encircles the Commonwealth and gives efficiency, because the stamp and sanction of unity on all and everything which is enacted, whether in matters of religion or of policy. Nothing, either in Church or State, can in this way be legalised and passed without the conjoint approval of every element of power, whether Civil or Ecclesiastical, within the realm, and without the confirmatory voice of the Sovereign.

The king himself, whether directly appointed,<sup>3</sup> or by compact, or by a consent following upon conquest, on either supposition has his authority delegated to him by the concurrent voice of the people.<sup>4</sup> The Sovereign therefore is the unit of representation for all orders of his subjects, and as such enjoys the prerogative of not only summoning Parliament, but Church Councils. St. Jerome, in arguing against the validity of an alleged General Council, asked what Emperor had issued injunctions for its being assembled. In those days an Ecclesiastical Synod contained bishops, clergy, and laity, and was therefore co-extensive with the entire nation. This *regime* has been carried out in England, not only in the transference of the right to the king, of bringing together Ecclesiastical assem-

<sup>1</sup> That of the Puritans.

<sup>2</sup> *An Imperium in Imperio.*

<sup>3</sup> As in the case of the Jews by Jehovah.

<sup>4</sup> Or the majority of them.

blies,<sup>1</sup> but also in the meeting of Parliament. "The Parliament of England," says Hooker "together with the Convocation annexed thereunto, is that whereupon the very essence of all Government within this kingdom doth depend: it is even the body of the realm, it consisteth of the king and of all that within the land are subject unto him." By a *reductio ad absurdum*, he argues against the opponents of his views by showing, for instance, that the Sovereign in the old Roman Empire, who had a supreme voice in making laws before the introduction of Christianity into his kingdom, would, by embracing the Gospel, deprive himself of this privilege, and in fact become subordinate to the subjects of his own realm. Finally he censures the inconsistency of those, who, while taking umbrage at the headship of the Sovereign over the National Church, are yet willing to fling enormous power into the hands of those very Ecclesiastics whom the Puritans stigmatized as unfit for the exercise of authority at all.

Bishop Warburton<sup>2</sup> lays down that a Religious Establishment is implied in the nature both of Society and the Church, as well as in the end answered by both. He argues that as human society is defective, where religion is otherwise, namely, in the control of motives, and in the sanction of rewards, the Secular Government finds it to be its interest to call in the aid of the Church. The ends answered by both Institutions confirm the expediency and value of such a policy on the part of the Civil Government; because the State proposes no other object than consulting for the physical wants and welfare of men, but taking cognisance of whatever directly or indirectly promotes these. The fulcrum of action employed by the State is coercion, and its

<sup>1</sup> As exercised in the case of Convocation.

<sup>2</sup> The title of Bishop Warburton's work, is "The Alliance between Church and State, or the Necessity and Equity of an Established Religion and a Test Law Demonstrated." He also explains his theory of Church and State on quite the same principles in *The Divine Legation of Moses*. He agrees with Hooker in educing Law out of the fitness of things, but differs from him in viewing the State as not being identical with the Church in a Christian Commonwealth. Next to Mr. Gladstone, Warburton is the most methodical writer on Church and State we have,

*ultimatum* utility. It is quite different with the Church, but the difference itself affords a basis of union with the State. Warburton considers the Church in origin to be quite distinct from Society, and to have for its end the salvation of souls, for its instrument—persuasion, and for its object-matter—truth. However, the natural chasm between Church and State could not long in the progress of Civilization continue, inasmuch as the Civil Government stands in need of such an auxiliary as Christianity has proved itself to be, while the Church in its turn is glad to obtain protection under the shield of a nation. Accordingly where an alliance, as in the case of Church and State, arises from the necessity of things, we may expect and do find such a connection prevalent everywhere, and in all ages and countries, Heathen, Jewish, and Christian.

Warburton co-ordinates this alliance with what is known as the “original compact” so warmly advocated by Locke, but derided by Lord Bolingbroke. Mr. Gladstone endeavours to disengage so masculine an intellect as Warburton’s from the fantastic hypothesis of any primeval contract, by saying that the Bishop’s theory of an alliance between Church and State accurately represents merely the true *idea* according to which the Civil and Ecclesiastical Government ought to unite. But Warburton’s coarse system hardly admits of so refined an interpretation, inasmuch as his theory of Church and State reposes on uncompromising utilitarianism.<sup>1</sup> Not only does he reduce society to a perfectly human standard—thus seeming to question its derivation from the Author of Nature; but he indirectly degrades the Church. In the *Alliance* the Church is pictured like a pedlar, bargaining for the acquisition of wealth and political station as in payment for keeping mankind under restraint, for the convenience of some earthly Sovereign or Government. There is, however, ample

<sup>1</sup> Warburton’s reasoning, however, is quite confirmatory, and meant to be so, of the dignity of religion. The Bishop’s main proposition is this:—Religion only can supply the sanction of rewards which society wants and has not—therefore the Church is absolutely necessary to Civil Government.

evidence<sup>1</sup> that he had no desire to withhold from the Church her rightful dower of dignity and independence as a heaven-born and spiritual organisation. He, indeed, often rises superior to his own system, by not only assigning valid reasoning apart from utility on behalf of Church and State, but implicitly grasping, though failing to amplify the inference from it, one of the prime outgrowths of a relation between the Ecclesiastical and Civil Government, namely, the appointment of an uniform standard of religious doctrine and worship.

Mr. Gladstone asserts that Warburton failed to find what has been called the "Conscience of the State." The State in the Bishop's system has no conscience, and the adoption of the Church into what Coleridge terms the nationality, is merely a matter of calculation.<sup>2</sup> We may expect to find the continuance and, indeed, obligations<sup>3</sup> of the alliance coming to an end upon a dissolution between Church and State, because the connexion itself could then be resolved into its component elements, releasing the Civil and Ecclesiastical Government from further co-operation, and investing both with independent action. Whatever advantages or privileges resulted from the alliance would, in case of any such separation, cease altogether, so that endowments for religious purposes might be used as the State might deem<sup>4</sup> to be right. It must however be said of Bishop Warburton that, however imperfect and occasionally almost repulsive his system of Church and State may be, he has done good service in drawing attention to the beneficial results practically of a well-defined relation between the Civil and Ecclesiastical Government.

<sup>1</sup> In his work on Church and State as well as in other of his eloquent and powerful writings.

<sup>2</sup> Warburton illustrates the aid mutually rendered by Church and State by the assistance which two allies in the same quarrel may reciprocally receive against a common enemy.

<sup>3</sup> In the abstract.

<sup>4</sup> Wycliff, for instance, and Hobbes are of this opinion as well as Coleridge.

Paley<sup>1</sup> unfolds his opinions on Church and State as on other subjects with power of argument and with a transparent diction. He is quite as forcible, though not as circumstantial nor perhaps as original as Warburton, in delineating the advantage to every country where proper relations subsist between Secular and Ecclesiastical power. Warburton, however, though at first he ignores the Church as a Society, very quickly recovers from this error; but Paley betrays no definite conception of the visibility of the Church.<sup>2</sup> A Church Establishment he considers as founded on its utility, and on having for its end the communication and preservation of religious knowledge; but that it deteriorates when it only pursues political objects. Paley therefore contends strenuously for the adoption of these three conditions: (1) A clergy or order of men set apart for religion; (2) A legal provision for their maintenance; (3) The restriction of that provision to the ministers of a particular sect. He characteristically lays it down, as one ground of the utility of an alliance between Church and State, that it goes far towards securing a perpetuation of the evidences of revelation, and such a competent succession of interpreters of Scripture as may clear up the obscurities of sacred writings.<sup>3</sup>

This utility of Church and State justifies the interference of the magistrate, who thus can, in no sense, be censured on the ground of an invasion of either civil or religious liberty. The ruler merely aims at providing available means of public instruction, and for such a purpose any form of Christianity is better than none. In order, therefore, to make the union between the Civil and Ecclesiastical Government effective, there must be some recognised standard of religious belief and public worship, which it is the duty of the Established Clergy to uphold and observe. But

<sup>1</sup> Paley unfolds his views on Church Establishments in his work on *Morals and Political Philosophy*, book vi., chap. x.

<sup>2</sup> What Bishop Butler calls positive institutions are almost completely obliterated out of Paley's system of Church and State.

<sup>3</sup> These teachers must be considered as following a peculiar avocation, which Paley argues requires a separate maintenance from the Civil Government.

almost in the same breath he unsays this, where he proposes as this standard<sup>1</sup> the opinions of the majority. Paley, however, clearly apprehends the duties and blessings of toleration, but regards a Test as the only practical security for, at least, outward conformity.<sup>2</sup> The flaw alike of Paley and Warburton's system is their utilitarianism, though both propounded the very wisest reasons in favour of the union of Church and State. No writer enunciates with greater vigour and perspicuity than Paley the benefits to every grade of society resulting from a National Church. He annihilates Warburton's paradox, that the Civil magistrate, *ipso facto*, has no right of intermeddling with the concerns of the Church. On the other hand, the sovereignty in any country is fully equipped for the advancement of this or that form of Christianity, by having at hand means for providing ministers of religion to teach the people, and by being possessed of an inherent authority to parcel out the country and cities into particular districts, to be ruled and looked after by particular ministers. He is quite confident that these results cannot be reached by Voluntaryism, but only by an Established Church.

Edmund Burke,<sup>3</sup> in his fragment on a Religious Establishment,<sup>4</sup> as only incidentally touching on the relation between the Secular and Ecclesiastical Government as connected with other matters, does not at any length enter into a detailed examination of Church and State. Therefore what he has written on this subject is occupied with the enunciation of general principles and the deduction

<sup>1</sup> This view does not agree with another of Paley's, viz., that it is the magistrate's own opinions which he ought to make the standard of religious thought for the national Church.

<sup>2</sup> Paley thus agrees with Warburton. The question of tests has been discussed since the Reformation, and cannot be said to be settled yet. However, the two writers who contributed most to the present state of things and the recognition of Toleration therein involved, are Locke's *Letters on Toleration*, and Bishop Taylor's *Liberty of Prophesying*.

<sup>3</sup> Burke, on the question of Church and State, resembles Paley in beauty of treatment, but surpasses him in elevation of soul and in the grandeur of his eloquence.

<sup>4</sup> His *Reflections on the French Revolution*.

from them of certain broad issues. To glance into the mind of this glorious writer on this or any question, cannot but afford us fine thoughts and rules of profound policy, and an elevated idea of the dignity of religion. Burke makes no mention of Hooker, but it is evident, that whether he had consulted the *Ecclesiastical Polity* or not, their systems repose on a similar foundation. With both the body politic is called Church and State, according to the particular standpoint from which we may regard either. Burke is quite at variance with Warburton, and disowns, in language of withering sarcasm, the grovelling doctrine that chains society down to the servile sensualism of protecting merely the lives of men and promoting their bodily comforts. He upholds, in all its amplitude and power, the Divine origin of society, which he invests with an elevation the same in kind, though not in degree, with the Church. It is ignorance of this community of source which constitutes the besetting fallacy with so many who have written for and against the union of Church and State. The State, then, is regarded by Burke, as deserving of that consecration which it receives in virtue of connection with the Church, because even society itself,<sup>1</sup> viewed in its isolation from the Ecclesiastical Government, is not a partnership in things subservient only to the perishable wants of mere animal existence. The union, however, is one of complete reciprocity in the highest and best sense, and reposes<sup>2</sup> on the double support of antiquity and law. Burke argues that the institution of Church and State has not been one of sudden, but of lengthened and continuous growth; and that, far from considering a National Church unlawful, the people of England hardly think it lawful to be without one. The principle of an Establishment runs through the whole system of the polity of Great Britain. Nowhere do we see this more widely exemplified than in the care implied in the very notion of a National Church, and exhibited by the State, for the spiritual and temporal wants of the great masses of the people.<sup>3</sup> In fact,

<sup>1</sup> As far as this can be done.

<sup>2</sup> According to Burke.

<sup>3</sup> This point is most copiously illustrated by Dr. Chalmers in his work on Endowments for Religious Purposes.

the first object in the Ecclesiastical and Secular Government ought to be, and is, to provide for the welfare of the masses. The Church, however, penetrates the State through and through, and percolates into every crevice of the social fabric, so as within the range of its influence to include the higher classes, the wealthy and the powerful. For these reasons, while provision is made for the poor, and that, too, with parental solicitude, Religion is not thrust aside<sup>1</sup> into the obscurity of the mere commonality. The Church and State are thus co-extensive in capacity of diffusion, so that religion permeates the entire mass of life blending itself with all grades of the people, even to the very summit of society, where mitred and ancestral greatness is enthroned in Courts and Parliaments. Hereby we secure a triple alliance between PROPERTY, LAW, and RELIGION, the cement of which is that supremacy of authority which exerts sovereign superintendence in all its plenitude over the different estates of the realm.<sup>2</sup>

Minds not over reflective might at first either undervalue or profess inability to apprehend Coleridge's subtle conceptions<sup>3</sup> of Church and State. Mr. Maurice, however, appositely remarks that Coleridge in his work on Church and State has only deserted the common highway of exposition, that he might follow more closely the turnings and windings which the mind of an earnest thinker makes when it is groping after the truth to which he wishes to conduct himself or his readers. But for this reason it is not always easy to take in Coleridge's meaning all at once though, perhaps, the following explanation of his beautiful theory on Church and State will be found substantially truthful. He first proposes to put his readers in possession of what he means by the idea of Church and the idea of State. The idea in both cases is produced by a knowledge or sense of the ultimate

<sup>1</sup> Like something the Government was ashamed of.

<sup>2</sup> From these general principles many conclusions of great importance and arguments in favour of a Church and State may be adduced.

<sup>3</sup> The title of Mr. Coleridge's work is, "On the Constitution of the Church and State, according to the idea of each." The entire system of Coleridge is clearly explained in the Preface of Henry Nelson Coleridge's Edition. (London: Moxon, 1852.)



■ aim of Church and State respectively. The idea of a constitution,  
■ however, is a sort of *nexus* of two factors—the Civil and Ecclesi-  
■ astical power. Thus the constitution of Great Britain comprises  
■ the idea of a Church and of a State together with the presiding  
genius of Sovereignty. The King, in whom the executive vests,  
is, in regard of the State in its antithesis to the Church, the  
beam of the scales, and in His Majesty's person the cohesion  
by interdependence and the unity of the realm are established.  
But the expression Constitution<sup>1</sup> involves certain mutual rela-  
tions among its parts and principles; a fact which Coleridge  
accepts in his theory of Church and State.—First, the English  
Constitution results from the harmonious opposition<sup>2</sup> of two  
institutions—the State and the Church: or, in other words, these  
institutions implicitly contain the three necessary elements in  
all national development, viz., (1) CONSERVATION, (2) PROGRESS,  
and (3) CULTIVATION; the last being the organon of the other  
two.<sup>3</sup>

Now out of the first of these elements<sup>4</sup> Coleridge evolves the  
patrician order, with their privileges and titles; out of the second<sup>5</sup>  
the knights of the Shire, or, as we call them, the Commons,  
together with the mercantile and moneyed class. Common alike  
to all, the aristocracies and industries of a nation is property,  
whether realised in pecuniary securities or heritable estates.  
But here springs up the connexion which, as we have already  
remarked, has subsisted from time immemorial in England  
between the Civil and Ecclesiastical Government. It was  
customary with the Scandinavian, Keltic, and Gothic, as also  
with the Semitic tribes, and indeed, we may add, it has been  
universal among all races of antiquity that, side by side with  
a national distribution of territorial property, a reserve should  
be set aside for the nation itself, and be termed the Nationality.

<sup>1</sup> Bishop Butler shows this for a different purpose from that of Coleridge.

<sup>2</sup> Employed in its logical sense.

<sup>3</sup> This has been already illustrated in the history of Church and State  
in the Ante-Reformational period.

<sup>4</sup> Conservation.

<sup>5</sup> Progress.

In one respect this precedent of primitive ages has not been followed in England and other countries, viz., that part of it which in very ancient times settled the Nationality in one tribe, as was the custom in the Hebrew Confederacy. The Nationality, however, according to Coleridge, is available for more than merely religious purposes, because theology, properly so called, forms only a part of the objects of the National Church, though it is impossible to separate from the reserve the duty of supporting those who teach religion. The science of Divinity, eminently so in the middle ages of Europe, was the root of those several systems of knowledge which civilize humanity; and it is this very fact that has created and up to this preserved the compact Confederacy between the Church and the Universities. When all the demands of the nation, as arising out of its need of instruction for head and heart, have been adequately satisfied, the reserve has been properly appropriated, and the responsibility of the king, as supreme trustee of the Nationality, fully discharged. The position, however, occupied by the Clergy as the recipients, and by the reigning Sovereign as the guardian of Ecclesiastical endowments, renders it incumbent on both to fulfil certain reciprocal responsibilities terminating in one, namely, allegiance to the integrity and independence of the British Constitution. The liberty of the realm must not by either kings, priests, or people, be sacrificed on the altar of foreign jurisdiction.

It requires intimacy with the stand point occupied by Coleridge, in philosophy and politics, adequately to appreciate or even apprehend his views on this question of an Established Religion. His system of a National Church is really a most pregnant one, not only in deductions relevant to the peculiar claims of an Establishment, but to the true nature of the Christian Church. The key to Coleridge's theory, is the distinction he enunciates between the Visible Church of Christ, as localised in any Christian country, and the Established or National Church of that country. This distinction neither implies nor involves separation, but becomes the common basis of a legal relation between the Civil and Ecclesiastical Government, a statement which depends upon his notions respecting

the Church. Coleridge considers the Church, as such, to be not a kingdom or realm in this world, nor a member of any such kingdom or realm, nor as opposed to any particular State in the large or narrow sense of the word. No branch therefore of the Catholic Church of Christ can be viewed in the character of a National Establishment.<sup>1</sup>

Coleridge has produced two remarkable writers on Church and State: the late Dr. Arnold of Rugby, and the Rev. Frederick D. Maurice. Dr. Arnold has left us only a fragment, and so far as we may judge from it, his system would have been an amplification of Coleridge's exquisite theory. Mr. Maurice has elaborated the subject much more in detail than Arnold, still preserving accurately and reproducing the lineaments of his great model. He never omits an opportunity of laying the foundation of Church and State solidly and deeply in the soil of the national heart, and may be regarded one of the best commentators on Coleridge's views on Church and State.

Dr. Arnold<sup>2</sup> instinct, as every scholar is with admiration for Aristotle's *Politics*, had conceived the idea, which death prevented him carrying out, of a work—*Πολιτικὴ*—in which the constitution, as the synopsis of the Church and State, was to be methodically unfolded. A basis for relations between the Ecclesiastical and Civil Government lies in Arnold's definition of the Church as a society for the suppression of moral evil, and thereby for the promotion of the moral improvement of mankind. In England<sup>3</sup> where we have a Religious Establishment, its form or framework is the State, and its spirit the Church. He does not accept the expression of Warburton—*alliance*, because Arnold holds that that portion of the Holy Catholic Church, located, for instance, in England is not allied<sup>4</sup> with the

<sup>1</sup> Out of this principle Coleridge draws several important conclusions, while others deduce from it the position that the State has a right to allocate funds given by it to the Church to other purposes, if it deems such a change advisable.

<sup>2</sup> Dr. Arnold explains his views in three fragmentary essays, as also in a most valuable pamphlet of his on Church Reform.

<sup>3</sup> Or in any Nationality.

<sup>4</sup> Mr. Gladstone also objects to the expression.

State, and so far, therefore, is distinct from the Commonwealth, though transformed into it. The State does not merge into the Church so as to obliterate the outward organisation of the Church; neither does the Church, on the other hand, become so lost in the State as to undergo, in the ordinary acceptance of the term, Secularisation. The union therefore of Church and State, depending in a great measure on coincidence of aim,<sup>1</sup> and the congregative nature of both may be described as an outward and social organisation of Christians, where, religion being not confounded with the Church, the one operates on the individual, and the other on the masses.

The constraining power of Church and State—in fact the cement of the whole edifice,—is the executive which constitutes an essential element in the State, and finds itself authoritatively and instrumentally realised in the Sovereignty of the king. These different elements have coalesced into one harmonious totality, the National Church,<sup>2</sup> which has grown up under the operation of successive circumstances, connected primarily with a Headship,<sup>3</sup> which, in the progress of our national history has proved itself experientially a salutary and working principle. Whatever be the genesis of Church and State—and Arnold insists that it springs from similarity of nature so far as both are societies,—he regards what is known as “the original compact” to be a mere fiction of the philosophy of history. On this basis of Ecclesiastical and Secular co-operation Arnold rests his assertion, respecting the cessation of the social function of the Church, and the superfluous, and so far hurtful, influence of Articles of Religion. His views on dogmatic theology conducted him into his convictions regarding the advisability and practicability of comprehension. On this very important question it is right to add that Dr. Arnold maintains that no multiplication of Churches, holding the essentials, destroys organic unity; and that Christianity only becomes fragmentary, and split up into

<sup>1</sup> To some extent.

<sup>2</sup> That is, regarded from one particular standpoint.

<sup>3</sup> Whether assured by conquest or otherwise.

antagonistic communions, where moral alienation between different religious bodies supervenes.

Mr. Maurice,<sup>1</sup> who is a disciple of Coleridge, and may fairly be regarded as an eloquent and discriminating interpreter of his great master, considers the union of Church and State to be founded on the nature of both. The Catholic Church of Christ,<sup>2</sup> is able by virtue of its spiritual constitution to connect itself with all the ordinary circumstances and transactions of men. In the constitution of man himself the idea of a Church and a State are equally implied; and both have the same Author. The State is as much God's creation as the Church, even as the human body is as much the workmanship of the Almighty as the soul. The Church, then, and the State, irrespective of any union between them, are possessed of an individual existence, so that we should not seek to merge this particular Church into this particular state or *vice versa*. But though Church and State, or, in other words, Law and Religion are distinct, they are both equally divine in origin, and as such necessarily united. This has in point of fact been realized in England, and that too from an early date. Not only is the antiquity of existing relations between the Ecclesiastical and Civil power in England a matter of historical certainty, but they have survived the pressure of foreign tyranny. Mr. Maurice examines and explains these title-deeds of the National Church, making the king the point of coincidence between the two leading factors in our constitution which make up the union between the Civil and Ecclesiastical Government.

The union of Church and State being once consummated, develops a number of reciprocal duties which overspread the people and the clergy; and by including both in a network of mutual obligations, creates that sum total of responsibilities which terminate in an institution such as our National Church. But there is one duty, around which, as a central force, the others revolve, viz., that of educating the nation. Education must, in

<sup>1</sup> He unfolds his views on Church and State in his "Letters to a member of the Society of Friends."

<sup>2</sup> Of which, as we have already shown, the old British is the ancestor of the English Church is a branch.

the progress of every nation, be very early discerned to be a *sine qua non* of existence to the people.<sup>1</sup> Every kingdom therefore must, from the mere instinct of self-preservation, be at its outset intent on the discovery of some practical method for the diffusion of the principles of knowledge, for the cultivation of taste, and for the gradual formation of the national character. The State in England, after the arrival of the Church, discerned in the Christian society a meet helpmate in the education of the nation. The branch of the Catholic Church apostolically planted in Britain at once showed itself thoroughly competent to become the teacher of the nation. This particular capacity, whereby the Church in England at once took her place as an efficient cause in organising and dispensing the various kinds, and with it benefits of education, became the foundation-stone of Church and State.<sup>2</sup> He vigorously upholds the continuity of the Church's office as teacher of the nation; and conclusively asks what would we do for education, if we resolved on dispensing with the spiritual organizing power for such a purpose, inherent in the Christian Church?

As regards Mr. Gladstone's<sup>3</sup> very able work, it is evident that previous speculation has not been without its influence in moulding and modifying his views regarding the connection between secular and spiritual government. The principle of the union of Church and State, or the principle of an Established Religion, he argues to be a natural and legitimate consequence of the mere fact of government, however defective the idea of religion may be

<sup>1</sup> We have already seen how this notion was cherished and acted upon by King Alfred.

<sup>2</sup> The statement which Mr. Maurice advances, that the Church came into England uninvited, is not strictly accurate.

<sup>3</sup> The title of Mr. Gladstone's work is, "The State in its Relations with the Church," London, John Murray, Albemarle Street, 1839, and dedicated to the University of Oxford. Mr. Gladstone's main principle is first to project the circumstances in the progress of nations that would constitute causes of relations between religion and government, and next to examine the history of particular countries to see how far this has been verified. He lays down that it is generally, not universally, that we are to look for any such verification.

as entertained by the ruling power. In working out the argument founded on this thesis, Mr. Gladstone assumes much higher ground than mere utility. No theory, on a subject essentially ethical, which has reference to results alone, will be found, he tells us, sufficient in the day of trouble. For this purpose, therefore, Mr. Gladstone probes the foundations of union between the Civil and Ecclesiastical power, thus seeking to expose to view the depth or durability of the support on which the National Church of England reposes. However, as it is not requisite—for it would unnecessarily curtail the full power of his argument to ignore Warburton's mode of explaining and justifying Church and State—Mr. Gladstone, in his investigation, travels both backwards into the region of causes, and forwards into the region of results.

Mr. Gladstone's theory of the relations between the Civil and Ecclesiastical Government turns upon what he calls the Conscience of the State, and, therefore, upon the obligations which, in virtue of such a moral sense, inhere in the secular power in reference to the Christian Church. He elaborately explains why it is that, according to this hypothesis, the governing body of every nation is bound, in its capacity as such, to profess and maintain a religion according to its conscience, both as composed of individuals who have individual responsibilities to discharge, and as being itself collectively the seat of a national personality. Such a State must have the extrinsic, and more and more, of course, in proportion as it is a good body politic, the various intrinsic qualifications for professing and maintaining such a religion, while religion itself offers sufficient inducements for such an arrangement. Thus Mr. Gladstone argues that not only must we admit the personality and consequent religious responsibilities of the men who compose a governing body; but the real and not merely supposititious personality—entailing too its own religious responsibilities—of a nation. Any community, therefore, having a personality, lies under the obligation, like the individuals composing its governing body, of sanctifying<sup>1</sup> the acts of that personality

<sup>1</sup> Mr. Gladstone considers, as Warburton does, that an Established Religion is a natural and legitimate consequence of the mere fact of Government. This depends on what he calls the Personality of the Nation.

by the offices of religion ; a fact which affords a new and imperative ground for the existence of a State Religion.

An analysis of the idea of Government into its constituent elements conducts to the same conclusion. Government has for the establishment in the first instance, and afterwards for maintaining and perpetuating the extension of religion throughout the nation, amply efficient means at its disposal. These in the constitution of a well-ordered State consist in the qualifications involved in its components parts, and in the inducements offered by the ends and purposes of religion. The nature of Government therefore creates the highest moral certainty respecting the perpetuation of the benefits<sup>1</sup> of the religion as established, because the National Creed becomes associated with public law, with judicial pleadings, and, in general, with the authentic acts, as such, of the Sovereign and Government.<sup>2</sup>

Therefore, both as a combination of moral individual persons, and as the active organ of the national personality ; both as having a conscience and for the sake of popular benefits ; both for positive reasons to procure advantage, and for negative reasons to avoid detriment, the governing body or State, in order fully to discharge its duties must seek, must profess, must support, must propagate a religion ;<sup>3</sup> must assent to it, personally and collectively ; must diffuse it freely and persuasively. All this weighty responsibility can be instrumentally fulfilled by that Divine ordinance, which has separated for ever a class of men to minister in the sanctuary of the Church, while the impelling cause is Christianity itself which has arrived at the

<sup>1</sup> Besides that a State Church enlists secondary motives in favour of religion, thus working after Nature's plan. See *Church and State*, c. 3, one of the ablest of the volume.

<sup>2</sup> See his entire argument summarised, c. ii., p. 54, *et seq.*

<sup>3</sup> The propagation of religion by the State as carried out in the English Establishment, Mr. Gladstone argues, not only blunts the sword of Ecclesiastical tyranny, but utilizes to the best advantage the entire machinery of the Church.



summit of society by the miraculous momentum of its original propagation.

Dean Stanley, adopting the views of Hooker, Coleridge, and Arnold, puts forward in the outset of his theory the aphorism that the Church is no creation of the State, "*Ecclesia nascitur non fit.*" The Establishment itself cannot be said to be strictly the mere creation of Law, but rather an institution growing up out of national sentiments and individual bequests, and in this condition of development gradually receiving the sanction and control of the Legislature. Dr. Stanley seeks to arrive at a correct view of Church and State by first eliminating out of the idea of this union everything merely non-essential, such, for instance, as: (1) Endowments; (2) The secular offices of the clergy; and (3) The interference exercised, from time to time, in many ways by the State. These he considers only to be forms of the connexion itself; but not what makes the relation between the Civil and Ecclesiastical power in England to be what it is.

As soon as the non-essential constituent elements of an Establishment are detected and set to one side, the residuum, which is that fundamental idea, on which Church and State reposes is manifested, namely, the Church as a body in which the officers of whatever kind and degree are ministers of the whole community. Their work, however, of service, to be at all effectual, must be carried on according to some known standard, practical and otherwise. The State, therefore, for the purpose of union with the Church, is obliged to recognise some definite religious expression of the community, and, in fact, such expression must be, if not moulded at least guided by the Secular arm. From these premises Dean Stanley argues in different parts of his writings as to the needs of Churchmen in reference to comprehension, subscription, and the aspect of the Dissenters generally towards the Establishment. He raises issues, some of them, however, not free from danger, of a most suggestive tendency, and points out remedies for certain alleged anomalies, and in doing so moots questions and difficulties, some of which at present form topics of prominent discussion.

## CHAPTER V.

## USE OF CHURCH AND STATE.

Preservation of Doctrinal Unity.—Facilities for the Work of the Church.  
 —Prevention of Schism.—Dissent, a Negation.—Union of Classes.—The  
 Parochial System.—The Church and the Civil Ruler.

It seems a natural and necessary consequence of the Church's historical position, that we should discover in the working of this venerable institution a large amount of utility. It is not difficult to discover the one secret of success here, as it depends upon the well-understood principle of a subdivision of labour, which not only increases productive power by imparting enlarged facilities and skill in given departments of industry, but also by enhancing the quantity improves the quality of work done.<sup>1</sup> At the threshold of such an investigation lies the qualifying statement, that when we speak of the use of an union between Church and State, we do not allow their conjoint action to annihilate the substantive existence of either; and the capacity of both, in a condition of isolation, to achieve results for themselves. The State and the Church have only to consent to dissolve partnership, in order to realise their independent existence. But the question is, whether the advantages emanating from existing relations between the Civil and Ecclesiastical power in England, do not amply expose the inexpediency of such a separation.

For instance, the relations which have subsisted in England between the Civil and Ecclesiastical power have been able to achieve<sup>2</sup> beneficial results in connexion with the preservation of

<sup>1</sup> This principle is carried out in the distribution of the people in companies of fifty at our Lord's miracle of feeding the multitude, and the Church resorts to a similar idea in the parochial system.

<sup>2</sup> By means of the framework of the Church.

Doctrine. But the State, either directly or indirectly, implicitly or explicitly, does not constitute and define doctrine. As regards the tenets and public formularies of the Church of England, the initiative has invariably been taken by the clergy in Convocation, the functions of Parliament being merely to legalise the decisions arrived at by the Ecclesiastical order.<sup>1</sup> In this way the clear advantage has been attained of an uniform standard of religious thought, invested with all the stability of Governmental supremacy. People, those in communion with the Church of England, are thus able to know what is their standard of belief; while the idea of permanence and dignity, associated with the Sovereign and Commonwealth, obtains for such formularies and tenets greater influence over the mass of the people.<sup>2</sup>

If ever there were times when we most specially require a recognised body of doctrinal truth as the cement of Church membership, it is now. We are living in days when, side by side with a spread of education among all classes, and with the intellectual activity resulting therefrom, we have developed everywhere a spirit of enquiry and criticism. If all this assumed a healthy tone, there would of course be the less danger to settled thinking in religion. But what is the true state of the case? There is abroad amongst us a sort of spurious intellectual prowess, which lays about it on all sides, and hews and hacks at everything it sees: the result is, that there struts about in the midst of us, unreproved in a great measure, and thereby gaining boldness, a vulgar unbelief, which involves all the virulence of educated scepticism, without any of its logical restraints. Now no one ought to be unfavourable to mental expansion, nor endorse the position that the claims of dogmatic theology are to be made to ride roughshod over conscientious scruples. But, if unreasonable objections are raised against the doctrines of our common Christianity, is it not of incalculable service to the nation at large,<sup>3</sup> to

<sup>1</sup> Or confer the stamp of public authority upon the opinions of the clergy when given by a channel other than Convocation.

<sup>2</sup> The objection that this only ensures for the nation a Parliamentary religion is considered afterwards.

<sup>3</sup> Indeed, to Christendom.

have a Church that accepts and promulgates a sure sound in religion, supported and strengthened by all the aid the Civil Government can legitimately afford? The fang of modern free thought has been trying to nibble away what is distinctive in Revelation, so that in order to prevent the inoculation of the popular mind in England with the virus of scepticism, every precaution should be adopted, and none is more effective than such an appeal to the reason and moral sense as is involved, not only in the continuity of a national Church, but in the harmony of her religious utterances.

But, perhaps, no deeper conviction of the importance of an uniform standard of religious thought in a Church, and therefore of a *regime* which aims at theological unity for a nation, can be obtained than from looking at those who turn this fact into a case against us, and in doing so taunt us with having only a Parliamentary religion. Can anything, we ask, be more deplorable than the multiplicity of sects, and of course, opinions that have sprung out of Nonconformity?<sup>1</sup> Theology, indeed, has under the manipulations of Dissent been torn almost to pieces, so that every imaginable vagary has been accepted as truth. But of the original Nonconformity we have had a really prodigious progeny of religious conceptions, which have had each a sort of speciality for the demolition of a portion of Apostolic and Catholic truth. One party of the Dissenters blots out Episcopacy; another sweeps away Church government and discipline; another cuts in twain the fellowship of different Churches; another degrades the Sacraments; another merges the positive institutions of Religion into so-called spiritual illumination; and another distorts Christianity into a fanaticism that disguises private immoralities. Dissent so far is a pure negation; whereas the Church of England tells her children what Christianity is, and not what it is not. Listen to the voice of those who are often loudest in denouncing what they term the artificial unity of Anglicanism; and what is the summary of their teachings? They tell us, and tell us only, that Christianity is not a system with the temporal sanction of rewards and punishments; that it does not possess a sacrificing priesthood; that

<sup>1</sup> This destruction of unity seems to Nonconformists sometimes an excellence in their system.

it does not contain any mysteries; that it does not involve obedience to Jewish legalities; that it was not set forth in creeds or formularies; that its worship was not embodied in inspired liturgies, and that it was never intended that the Church should assume the trappings of the State, and bask in the sunshine of secular patronage.

But along with the uniformity of positive doctrines, the union of the Church with the State tends likewise to impart to Ecclesiastical Government<sup>1</sup> greater elasticity under the constant pressure of adverse forces than otherwise would probably exist. The service rendered is indeed mutual; a secular Government is itself proportionately strengthened by the respect received in virtue of alliance with religion publicly acknowledged. But still we do not assert that the Church owes her Government to the State,<sup>2</sup> but that the stability of the Civil power and its wide sphere of activity afford to Ecclesiastical institutions both vigour and facilities for operation over society.<sup>3</sup> The use therefore of Church and State is so far transparent as it produces substantial harmony in the management of Ecclesiastical concerns, and fortifies the Nation against schism which has in all ages been so desolating to the unity of Christendom.<sup>4</sup> Now it cannot be said that the Catholic and Apostolic Church planted from the first ages in Britain, and holding still its regular succession from that time to the present, is not in herself competent to accomplish all this without the aid of the Civil power. But we are not now investigating this point, but what assistance, if any, the Church in England has acquired from her relations to the secular Government, either in the maintenance of Church unity or in the prevention of schism and heresy.<sup>5</sup> There are two modes of resisting that outside pressure, which either from within or from

<sup>1</sup> That is, the visible Church.

<sup>2</sup> This is Hobbes's position.

<sup>3</sup> Hooker has proved this.

<sup>4</sup> The seamless robe of our Lord—the symbol of Church unity—has been rent into many parts.

<sup>5</sup> The History of England proves that the National Church has derived assistance from such a source.

without the Church, has had, from time to time, force enough to break up Catholicity in National Churches, viz., moral persuasion and coercive jurisdiction. The first of these methods is that which is not only congenial to the English character, and to our social and political institutions, but rendered available by co-operation between the Civil and Ecclesiastical authorities. This harmony of action constitutes a practical exhibition of unity, which in itself exposes the unreasonableness of schism. But we have spoken of another mode of dealing with heresy. The rule of coercive jurisdiction is alien to our national idiosyncrasy; the employment of force by any Church, in matters of opinion, can only be eradicated by an enlightened and universal toleration.

Now by connecting Church and State with the advantage of diminishing the causes, and, therefore, likelihood of Schism, we point out a very definite use for a connexion between the Civil and Ecclesiastical power. Schism not only disturbs the equilibrium of the Church and dislocates her organisation and discipline, but generates such a brood of repulsive passions, as harshness, conceit, intellectual pride, contempt for antiquity, and, in fact, for all antecedent authority in matters of opinion.<sup>1</sup> The National Church of the realm, amid various shades of thought on points indifferent, or which, though not indifferent, can never from their nature elicit identity of judgment, adheres in the main to unity on fundamental truths. The National Church, as a promovent of religious unity, fulfils this and other uses, while being at the same time an accomplished fact, embedded in History and built on a comprehensive basis; adopting an Apostolic Government, and holding in its integrity a complete body of really Catholic truth.

But further. The Church being a Society<sup>2</sup> must have a direct tendency to operate on our social nature, and thereby

<sup>1</sup> To say nothing of the consequence of all this, namely, innovations in Doctrine and Ritual.

<sup>2</sup> The drift of Mr. Gladstone's reasoning—where he touches on this part of the subject—seems to be to show that our social tendencies are of course intensified in action when exerted in an aggregate mass, and therefore the better for being under the tutelage of religion publicly acknowledged.

upon practical life; an operation intensified by union with the State—itself also a social organisation. The public recognition of the Church by the Sovereign and State renders the Ecclesiastical institutions of a country objects of respect to the upper and, indeed, all classes of the people. The tendency, therefore, is to bring the upper and lower classes of the nation by the use of the same altars into fraternal union. A silver cord of sympathy thus circulates through every fibre of society, the benefit of which is twofold—the rich feel for the poor, while the poor obtain an intuitional perception of the power of the Christian Faith by witnessing its ameliorative and transforming sway over the human heart. The humbler classes of the community never obtain a nearer glimpse into the divine origin and working of Christianity than when they see it the efficient cause of works of charity in the rich to the poor. The practical logic here is that the religion which makes the heart—while a stranger to misery—overflow in acts of goodness towards others must be of heavenly origin. Here is a noble use in the direct power of promoting the general weal, and of doing so by means of the disinterested philanthropy of others. Here is something different from what is to be witnessed merely under the State. For example: men by plying their respective trades and professions benefit society; but it is only from interested motives; because, confessedly, artisans and workers in all departments of industry, manual and otherwise, only seek to benefit themselves and their families.

But in pleading the cause of the Establishment, on the score of its having secured the parochial system, and this education of the upper classes in the feelings of fellowship towards the indigent, in the rise and progress of the Cathedral system—an outgrowth of the union of Church and State—lies the same boon. The cathedrals of England have been a focus of healthful influences in our cities, as applied to the upper and educated ranks of society, which our parish churches have been to the humbler classes in the rural districts. The cathedral Establishments have invariably been a main source of strength to the Church, and from a special point of view furnish distinct evidence of the use of relations between the Civil and Ecclesiasti-

cal power. Under the shadow of the great cathedrals of England, reposes something of the worth and erudition of the English clergy. Some years ago was raised a piercing and angry cry of peculiar bitterness against cathedral Establishments. Amongst the twenty-nine capitular deans of that day were found one, the first of Greek scholars, a man of European fame: two of the most complete masters of Ecclesiastical history living: the greatest mathematician of the University of Cambridge, and therefore one of the most eminent scientific men in the world: two of the most distinguished geologists: together with others of the time, who by their writings or sermons, their efforts in the cause of education among poor or rich, or by their laborious care of extensive parishes, had deserved well of society and the Church.

The cathedrals have been the nucleus from which have radiated territorial arrangements for Ecclesiastical purposes, which in their turn have sprung directly out of the union of Church and State. Of this we need not mention any clearer evidence than that parishes in England are frequently co-extensive with the property of a particular landed proprietor of that locality, and that our dioceses embrace the area of territory formerly included within the king's<sup>1</sup> jurisdiction. This fact connects parochial arrangements with different allotments made by regal and private munificence for the needs of the Church, and through these with the alliance of Church and State. Without even a knowledge of its admirable working, the parochial system of the Church would seem just that plan which *a priori* thoughtful philanthropists would reason out for universalising Christianity among any people. As it is, the machinery thus made available is very complete in itself, and only requires to be properly worked. There is real practical wisdom in defining the duties of the pastoral charge by territorial in contrast to, congregational limits. The clergyman thus perceives at a glance those who come within the limits of his pastoral care. The clergyman enters with a confidence inseparable from legal recognition, on duties which might be otherwise mistaken for an invasion of domestic privacy by inquisitorial spies.

<sup>1</sup> For instance, this or that king of the Saxon Heptarchy.



One might reason out for himself the efficiency of such an instrument as a parochial system, not only from the nature of the contrivance itself, but by an analysis of the material which it is brought to work upon. Alterations in society, inseparable from modern civilization, render it certain that not only does this material become more abundant, but, so to speak, changed in texture, and in both ways intensifying obstacles to the spirituality of Christianity. Now let us for one moment realise to ourselves what it is that the Church comes face to face with in our large towns and agricultural districts. Of course in any such picture the eye chiefly rests on what are called the masses. Here the work to be done,<sup>1</sup> and the field to be toiled in is almost interminable. Those who undertake to minister here, require under higher support the sustaining influences of earnest piety, strong faith, and physical strength. Among the masses is not found the somewhat seductive motive to clerical usefulness which too often prevails where the pastor fulfils his duties amid the glitter and excitement of wealth.

Now if we desire to properly rate the use of Church and State as resulting from the parochial system,<sup>2</sup> let us visit any of our large cities, and see what a spectacle presents itself among what are known as the operative class, of which there are various grades, where of course the lowest is the most unpromising. There lies at the base of society in our thickly populated towns such a slime and scum of physical and spiritual destitution, as at times it would appear an impossibility for a ray of Christianity to pierce. But though much more may, and we trust yet will be done—and this is a fault not of the mechanism, but of those who use it—yet it is a fact that our parochial organization has not entirely failed to carry the pure and kindly

<sup>1</sup> We have the important declaration of Philip Henry, one of the ejected ministers, that the opportunity he found there was of doing the more good by having those that were his charge near about him, made him all his days bear his testimony to parish order.

<sup>2</sup> There is, as Chalmers remarks, a charm in the week-day services of a parish minister which has not been duly estimated by philosophers or philanthropists. (Endowments, c. 3, sect. 8; see the entire subject treated here in a masterly and touching manner.)

news of the Gospel to those wasted shreds of humanity, down-trodden under the burden of existence which crowd the garrets and cellars of our own Metropolis. Oh! what festering heaps of ignorance, crime, and misery, grow up and increase in the busy haunts of men, and within a stone's throw of the lordly residences of the great and rich; out of such a cauldron rises an exhalation that injures the class more immediately above the lowest, and is in fact a sort of moral typhus spreading destruction everywhere! Look for instance at what is superimposed on the stratum that composes the bottom of society. Here are our thousands and thousands of artisans, whose very trades along with social intercourse have quickened their intelligence, alas! to expose them to the seductive pleasures of city life. How many of these become victims of sensuality, or of a withering infidelity. The parochial system has here likewise been brought into play, so as to check to some extent, at least, the magnitude of evil. Would to God that this incomparable system, the offspring of Church and State could be more generally and more frequently brought into requisition. One sighs to think that ever it should cease its operations even with the setting sun, for then it is that vice creeps out of its lairs under all kinds of attractive disguise. While churches and schools stand dark against the midnight sky, the different temples where dissipation is idolised blaze out in full splendor, and are crowded to the ceiling with swarms of passionate worshippers.

The grand utility of the parochial system is evident from its appliances, namely, a resident Ministry with an allotted sphere of work; a house or, if need be, houses of public worship provided without cost for the people; Sunday, daily, and night schools, together with various kinds of lay help. One of the most influential aids in the Evangelisation of a given district is a parochial school. This is to begin at the beginning by sowing the seed at the true spring-time of human life. The schoolmaster, as the ideal in the minds of the children of secular, and the clergyman of spiritual education, thus early rivet in the young intellect the reality of the union between Church and State. What is thus accomplished by our parochial machinery for the young will vibrate among adults who also may be reached directly by several

organisations, but chiefly church services on the Sabbath, on week days and festivals. In our densely-packed hives of industry, and even in those hamlets and rural districts which admit of it, the daily service of the Church acts as a most valuable supplement to other parochial agencies. The difficulties of domestic worship in the houses or rather rooms of artisans and labourers are patent enough, and render daily service therefore the more requisite in such cases. Various domestic <sup>1</sup> associations soon endear these services when they are regularly held, and made hearty.

We have already noticed, in unfolding his theory of Church and State, Dr. Arnold's favorite idea of a *πολιτική* on the principle of an organic union of the scattered fragments of Catholic Christendom. The conception itself affords an illustration how the Church might interpenetrate the Civil Government, and the resultant benefits, which in turn are serviceable to the Church. We must recollect that Government, like Society, is not the mere creation of man, but is committed to his care and management. We admit that Society more immediately owes its origin to the Deity than perhaps this or that form of earthly polity; but both alike are intended to answer and do answer special ends. The final cause of Society and of the Body Politic <sup>2</sup> is the education of the human family in the sense of preparation for a higher order of things in the City of God. Now it may be easily discerned that a union of Church and State must powerfully contribute, from this point of view, to the success and efficiency of Government as such. Supposing a ruler to be actuated by no other motive than that of solidifying the Body Politic, and entrenching himself in the loyalty of his people, Christianity is just the religion above all others the help of which he would gladly avail himself of. But a ruler may desire, for its own sake, to promote religion; and here is the very point which pre-eminently illustrates the wisdom, justice, and we may add, even the holiness of an alliance between the Ecclesiastical and Civil power. Therefore an unsullied motive is furnished to the magistrate who wishes to cement the tie between Secular

<sup>1</sup> From death or marriage.

<sup>2</sup> Of course in the design of God's moral and natural government over the world.

and Spiritual Government, and that, too, without entangling him in any refined speculations on the origin and fabric of States.

Bishop Warburton has drawn attention to this part of the subject ; but he seems to have had not a very adequate notion of the extent, politically, by which the Civil Government was benefited by the union of Church and State. However, he grasped the fundamental principle which lies at the root of the utility in such a case, namely, the inadequacy of Civil Government for the achievement of even its own aims, without some supplementary aid from religion. The generally-received theory of a Commonwealth is that it is concerned only with the promotion of outward prosperity and, as subservient to this, the protection of men's bodies and lives. Much, if not all, of this business of the State depends for its success on the conduct of the people ; but the only real source of conduct is motive. Of men's motives, however, the laws of the land can take no notice ; but here religion discharges an otherwise absent function for the Civil Government. Of such assistance from the Church we can scarcely estimate fully the variety and value of the results. Here at one stroke we have human nature rendered tolerably docile under the hands of the Civil ruler. The facility of government thus afforded to the Civil magistrate may be inferred from what the secular arm attempts, and what Christianity actually accomplishes.

Now one chief barrier to all rule is the recoil of human volition against external pressure from whatever source. The magistrate, in the administrative and executive departments of State is almost at every turn met and sometimes baffled by recalcitration of the will. But Government is nothing if it cannot build itself on popular obedience ; and therefore what a prop in this respect must the Church be to any State if we remember the submissive spirit which Christianity requires of all who accept it. But at a time when all over Europe the notion of obedience is so rudely shaken, and its apprehended overthrow so frequently creates panic in the Civil Government, it may fairly be asked whether the State, in all prudence, can afford to dispense with the check which the Church thus furnishes of prevalent dislike to all authority as such.

But if the use of a religious Establishment thus arises from what the Church, as a spiritual organisation, can enable the

Secular arm to carry out in the department of Civil affairs, we can reach the same conclusion by considering what is the final cause of Government.<sup>1</sup> The fundamental principle with the Body Politic is what is termed in the language of the ethical philosopher, eudæmonism, or in other words, the largest possible amount of happiness extracted from the very best means for its promotion. Now this definition of the objects of Government includes a rather wide scope of action, because the happiness of man is not complete till every element in his complex constitution is satisfied. This exigency produces a four-fold want, according as the enjoyment is (*a*) physical, (*b*) intellectual, (*c*) moral, (*d*) spiritual. Now even a superficial glance into the nature and instruments of human government, and a study of history, with its catalogue of wars, tumults, and revolutions, evince but too clearly the defectiveness of mere Secular power to secure happiness<sup>2</sup> for man. Is this to be ascribed to the intrusion of religion into Government, or has Christianity no influential share in the production of human enjoyment? An affirmative answer<sup>3</sup> corroborates the foregoing remarks on the use answered by relations between the Ecclesiastical and Civil power.

But a word on each species of pleasure, according to the previous classification, will confirm the argument. Well then, as regards physical pleasure, universal experience tells us that the most material and permanent diminution of physical enjoyment springs from the neglect of some of the most transparent and ordinary rules of religion<sup>4</sup> and morals. Those who fling off the restraints of religion suffer severely, and entail upon themselves such a quantity of misery and desolation as makes life a burden and death a release. Whatever, therefore, diminishes the number of victims to sufferings of this description, must very much benefit the ends and working of Civil Government, and therefore Christianity, which has this effect, is so far of great use

<sup>1</sup> That is the end it aims at.

<sup>2</sup> In a complete and lasting sense.

<sup>3</sup> Which is here the true answer.

<sup>4</sup> This part of the argument is fortified by what Christianity reveals respecting the body as in union with the soul.

to the Commonwealth. The case is no less strong in regarding intellectual, moral, and spiritual enjoyments. These, after all, if he consults his true interests, are the real pleasures of man, because they do not produce such painful consequences as sensual enjoyments, nor do they pall on the palate by frequent participation. Now, in contrast to the evanescent and defective quality of mere physical enjoyment is the substantial and long-lived pleasure that flows from the exercise of man's intellectual and spiritual faculties, over which religion exerts so marvellous an influence. In proportion as happiness of this latter type prevails, will subjects live contentedly under this or that form of Government, and the more so when they are able to connect their happiness with the direct influence of religion over the Civil institutions of the country. Cannot the people of England, we ask, point to an experience of this description? Has not the Church of England watched over the mind and moral sense of her members of all ranks, and been often the only pioneer in popular enlightenment? Have not our universities, for instance, grown up into their present efficiency under the shadow of the national religion of England, and were they not born in the bosom of the Church? All such auxiliaries from Religion must, even in a political point of view, be of incalculable use to the Civil ruler. His subjects thus weaned—at least this is the tendency—from those gross pleasures which on the average produce so much pain, are introduced into the region of enjoyments which tranquilise the soul and generate contentment under existing laws. The exercise enjoined by Christianity of the higher faculties of devout contemplation, not only invigorates the mind, but elevates and strengthens human veneration. The national intelligence thus expands and developes candour in recognising the prudence and justice of Government, a frame of mind which indurates into the character of the people that deference to order which is the very life-blood of political existence. The ultimate operation of such influences, inseparable from practical Christianity, terminates in the habit of self-respect, and in the daily renewed consciousness of liberty as opposed to license. These principles, politically speaking, are of infinite service to the Civil magistrate in his management of the Commonwealth. Self-respect leads a man to treat those in

authority as he would himself; while the feeling of true freedom which he has who acts virtuously, and thus escapes the tyranny of vice, enables him truly to appreciate, and will rouse him to preserve the blessings to any country of pure and good government.

Thus when relations are established between the Civil and Ecclesiastical power, a transference ensues of respect for properly constituted authority, as such, to the Commonwealth. The members of the spiritual look to find, and like to see in the political society those two central principles of the Church, peace and unity. To build the body politic on such a foundation must, more or less, tend to create the conservatism which would neutralise revolution. The desire not needlessly to disturb existing institutions is one which has ever been prominently cherished in the Church.<sup>1</sup> The principle underlying all this settled state of things, is what is known in jurisprudence as fixity of tenure. Of this we have a striking illustration as regards the Church, in the case of her property real and personal. In England, from ancient times, houses, lands and pecuniary grants were given by private munificence; and now, after the lapse of centuries, we discover that these donations have not been diverted in the smallest degree from their original purpose. This fact not only encourages benevolent persons to bestow their goods on the Church, but infuses into the masses of the people a realization of the possibility and, indeed, advantage of a settled order of things.

In thus contending for the use of Church and State, we do not confound the two together, nor assert that the Church, as such, is not competent to achieve salutary ends on her own separate basis. But the question is this—from the fact that the Church, though an unearthly, is yet an earthly institution, a kingdom not of but in the world—are not the advantages of religion intensified and rendered more diffusive by established relations between the Ecclesiastical and Civil Government? So it would appear, while the argument itself is considerably strengthened by a cumulative proof resting upon the aggregate estimate of all such advantages.

<sup>1</sup> Witness the Creeds and the Canon of Scripture.

But it must be noted that, in drawing the inference here, we neither secularise the Church, nor quench her heavenly parentage. We do not consign the Church into chains of civil bondage, nor raise her<sup>1</sup> into undue eminence, in relation to earthly government. No theory of the Church ought to be accepted which would overturn that equipoise of prerogative as between the Ecclesiastical and Civil power which, where it is disturbed, must shake all sovereignty<sup>2</sup> as such to its base, and eventually interfere with freedom, if not religion itself. To create any such unnatural antagonism, would be to act on the erroneous assumption that Society and the Church do not both emanate from the same Divine source.

<sup>1</sup> Bishop Warburton thus classifies the different errors of this type: "The Papist makes the State a creature of the Church; the Erastian makes the Church a creature of the State; the Presbyterian would regulate the exercise of the State's power on Church ideas; the Hobbist, the Church by reason of State; and to complete the farce, the Quaker abolishes the very being of a Church; and the Mennonite suppresses the office of the Civil Magistrate."

<sup>2</sup> Whether in Church or State.



## CHAPTER VI.

## OBJECTIONS TO CHURCH AND STATE.

Causes of antagonism.—Argument from Scripture.—Headship of the Magistrate.—Secularisation of the Church.—Hostility to the Reformation.—Alleged social injuries.

IN considering objections against Church and State, we propose to point out the causes, or some of them, which have produced such antagonism. In one sense these have been operating since the earliest appearances of Nonconformity in England. But out of the original hostility to a State Church, have grown various objections, which are intimately connected with English history since Elizabeth's day, and are fed and intensified by habits of modern thought.

Modern objections to Church and State arise in a great measure from tendencies of our day, themselves the offspring of certain abstract principles. These latter sustain themselves on the peculiarities of an age, acquire in this way large dimensions, and in so doing not only affect the upper and educated classes, but percolate to the very lowest stratum of society. The operation of such influences, thus working from within, upon the people must, of course, be materially impeded or advanced by external events. Both of these conditions are amply realised in the question before us. The characteristics of any nation ultimately determine its legislation and mould its various institutions. We must, in the case of sound abstract principles, recognise here the wisdom of the great Author of society. There are, however, in every country those who, deficient in sagacity, would govern the State in antagonism to the tendencies of the age; or if strides have been taken in an onward direction, who would halt and hanker after relapse. Retrogressive measures, if forced on a country, terminate in a disruption of Government and people.

But on a question of the expediency of Church and State, we must, in laying down reasoning of this sort, take the utmost care both to ascertain the validity or otherwise of certain abstract principles, or admitting them to hold, their universal application.

Antagonism to the theory of Church and State has been matured by the operation of an abstract principle which already has become a reality, we mean that which is implied in all free trade. The abolition of the old protective duties on grain ushered in what is known as the Repeal of the Corn Laws. In the working out, however, of this principle there is, at present, a very large school of thinkers, both amongst us and on the Continent, as well as in America, who insist that we have as yet advanced no further than a recognition of the free trade principle in agricultural products, but that we have still to acknowledge its validity in every branch where labour and enterprise can be employed. This school of political economists contend that not only in commerce is protection pernicious, but in religion, literature and politics. In religion they consider that protection communicates an unhealthy because artificial growth to our Ecclesiastical institutions; that in literature it destroys the independence of culture, and checks mental expansion by pointing the pen of the venal scribe; and that in politics it stunts the growth of representative government. These alleged results are mutually connected, and their cumulative weight is brought to bear down upon Church and State, by not only a direct attack on relations between the Civil and Ecclesiastical Government, but by a flank movement on the Educational establishments of the realm. The practical results of such principles is to leave all authorship perfectly free to follow its own bent, without being diverted or tinged by settled thinking in science and theology. All dogmatic doctrines indeed, according to this view, are mere forms of thought crystallised out of protection in religion. These materials when put into logical shape constitute a main syllogism, which is this—it is a spirit of protection to encourage by State endowment any particular form of Christianity. But the theory of Church and State is an instance of the protective spirit in religion: therefore the entire anomaly of an Establishment merits excision.

The Repeal of the Corn Laws has unquestionably had its share

in producing extreme liberalism which, so far as it is a moving force against a religious Establishment, owes its source therefore to the abolition of protective duties on grain. But if we wish a more exact generalization, we must ascend to the higher cause out of which the free trade system itself has been evolved. The Repeal of the Corn Laws, then, has sprung out of that spirit of self-reliance so deeply ingrained into English character, and so powerfully developed through the intellectual independence achieved at the Reformation. The rule of thinking by deputy having been obliterated out of practical and, probably, with less advantage out of religious life, in its stead we have an uncompromising spirit of criticism and self-assertion. Supplementing this, and so far intensifying it, is that vigorous current from modern free thought which is impelling cultivated men into an advanced political philosophy. Under a searching analysis,<sup>1</sup> applied to secular and ecclesiastical institutions, everything resting on prescriptive right is being placed upon its trial. Already two precedents are quoted as arguments for the eradication of a protective spirit out of our Civil and Ecclesiastical Polity, namely, the Emancipation Act, 1829, and the Reform Act, 1832. These and other similar measures of the Legislature cannot but afford very powerful leverage to those who oppose the theory of a religious Establishment. Therefore the Church of England is now called on to grapple with an antagonism induced by an adoption of the free trade principle in literature, politics, and, so far, in Religion,<sup>2</sup> and will therefore be obliged to show cause why everything industrial, the ecclesiastical calling included, must not rely on its own inherent energies.

But powerful in bringing on the question of Disestablishment as are the positive forces of liberalism, free thought, and political economy, there is another influence which, though only negative ought not to be overlooked, we mean the state of opinion within the Church of England herself. There is a large proportion of clergy and laity who conscientiously believe that the separation of Church and State must, from the nature and ends of the Civil and Ecclesiastical

<sup>1</sup> Of German growth.

<sup>2</sup> As the case of America proves.

Power, be the very best thing that could happen to both. No one, however strongly he may feel in favour of an Establishment, will refuse to recognise the purity of motive and sincerity for the interests of true religion which actuate those churchmen who think thus, who however ought to re-consider well the position whether Disestablishment could really be for the welfare of the Church. There are many things in the existing National Church which might be dispensed with, perhaps advantageously, and which before long may be removed. Several anomalies—the growth of neglect or abuse—unavoidable in every institution where human agency enters, require suppression. But need the removal of irregularities necessitate the dissolution of the tie between Church and State, or, if it does, might not the remedial process however a gain in one direction be a loss in another? The Church would, no doubt, be purged of some dross, but she might also be deprived of much that was of the very highest utility to her even as a spiritual society, by being sundered from the Civil Government. We will suggest for the consideration of those who within the Church of England are adverse to the establishment of religion, this one point—whether their opinion, if allowed free scope, might not in the end be injurious to the Church? The dissolution of Church and State in England must eventually produce that system of pure ecclesiasticism which is quite foreign to the genius and temperament of Englishmen. Ecclesiasticism untempered by authority must in such days as these bring, humanly speaking, ruin on the Church. The larger proportion of objections to Church and State is ostensibly on religious grounds, but it will be seen on close examination that political considerations also dictate opposition. The prime objection of the theologians<sup>1</sup> is that Christianity of itself never could or would have united with the State, that such a connexion itself is purely artificial and, therefore, where religion is concerned, injurious. Perhaps the very reverse of this is true, namely, that the scope of Christianity, as entrusted for its fulfilment to a visible government and ministry, and that the work of the Church as carried on in the very heart of human society secure ample materials for relations between the Civil and

<sup>1</sup> Of a certain school.

Ecclesiastical power. This view appears to harmonise with the tone and drift of ancient prophecy as well as of the Scriptures generally.<sup>1</sup> As regards the sanction furnished by the Bible and arguments founded upon it, we must not forget Hooker's rule. The fundamental principle of the *Ecclesiastical Polity* is this, the Scriptures do not intend to limit the authority of the Church in the ordering of any details or the enactment of any laws which from time to time may be found requisite to meet existing exigencies. It is to be observed, however, that the Church,<sup>2</sup> has never used this discretionary power with anything like mere wanton caprice. The system of Ecclesiastical Government as well as the spirit of the formularies, discipline, and public service of the Church of England are pretty much the same they were in ancient times.

Undoubtedly in the Old Testament, in the instance of the Ecclesiastical polity of the Jews, and implicitly<sup>3</sup> in the New, both in our Lord's discourses as well as the apostolic Epistles, do we see in the one case a positive sanction, and in the other a well developed germ of a relation between Civil and Ecclesiastical power. For instance, the Divine sanction to an Establishment, as a system where the Civil Ruler takes cognisance of religion and where the State provides a settled endowment for the ministers of the Church, is furnished by the Jewish economy of the Old Testament. It may, therefore, be asked, May not we imitate that which God has done? Where in the Sacred Volume is there any intimation that the method of government appointed for the Children of Israel would, in its general features, be unsuitable to after ages or other countries? Are there not inherent in the Hebrew Commonwealth alike with other Nationalities certain mutual tendencies and reciprocities between the different orders of society which must always gravitate towards what we call Church and State? Is there that rugged abyss between the religion of Moses and that of Christ which those ought consistently to assert, who refuse to listen to the apology for an Establishment

<sup>1</sup> Dr. Wardlaw and the Rev. B. Noel are very positive that Scripture negatives Establishments, but both fail to make out their case.

<sup>2</sup> And notably the Church of England.

<sup>3</sup> As some of the most eminent theologians maintain.

as deducible from the Levitical Priesthood and the Israelitish Monarchy? Is there not that organic structural relation between Judaism and Christianity which ensures that whatever is in the one reappears in the other only amplified and consummated?

But it is objected that not only the Sacred Scriptures avowedly and otherwise discountenance the theory of Church and State, but that such a union is contrary to the nature of things. But how can this be? We say, and say it fearlessly, that the very reverse of this is the case. From the similarity of the Church and State as social organisations, and from the circumstances in which they both are placed in this world, a Religious Establishment would appear inevitable. Now we need not here rely on merely abstract propositions, but we can open history, and appeal to the experience of mankind. Does the progress of religious and national life in this or that country correspond with this alleged divorce between the Church in any stage of her development and human Government? Is it or is it not the fact that in the early ages of Christianity,<sup>1</sup> and afterwards, up to the present, there has, in the case of different National Churches, existed definite relations between the Civil and Ecclesiastical power? This puts the matter on a very intelligible basis, by reducing it to an issue which can easily be shown to be true or false. It may, therefore, be fairly doubted that all this antecedent testimony of history is reconcilable with this view: the position that there are *a priori* objections to Church and State drawn from the nature of both. An objection of this description concentrates itself into a denial, for example, of the competence of the Civil magistrate to interfere in religion. The reply here is ready at hand, and seems unanswerable.

The position which the magistrate occupies in the National Church is urged by able writers, both in and out of the Establishment, as a fatal objection to Church and State. We feel it not easy to enter into opinions respecting either Civil or Ecclesiastical Government which refuse to recognise any authority whatever on

<sup>1</sup> As regards Paganism, its records point to the existence of a connexion between Religion and the State.

the part of the Secular ruler to interfere in Religion.<sup>1</sup> Now be it observed that we fully acknowledge the individual existence of both the Church and the State; we likewise admit that Christ is Himself the Head of the Church in the sense in which no earthly potentate was or can ever be; and yet we would not dissociate the Civil magistrate from some share in Ecclesiastical concerns. To separate these two would be to deny the Divine origin of society, as well as the reality of this life as a discipline co-extensive in range, though not in influence, with Religion itself. But if so, the Church must have been intended<sup>2</sup> for intermingling with the interests of man as a citizen of this great world. Is it possible, therefore, to exclude altogether the Civil ruler from the control or management of spiritual affairs within his own dominions? The tendency of such opinions as ignore proper relations between the Ecclesiastical and Civil power would seem to be to lift the Church up out of that world in which our Risen Lord has placed her, and to convert her into a mere hothouse plant of fitful enthusiasm or fanaticism. Such isolation of the Church out of the sphere of those powerful causes that rule and civilise mankind, is, of course, entirely destructive of Catholicity, and hence the multiplicity of tenets and sects among, for instance, the Dissenters,<sup>3</sup> who controvert the Headship of the Civil magistrate in Religion. Those who do so, dwarf Christianity apparently down to a mere local creed, and run religion up into a phrase, or badge, or party.

However, there is scarcely a point about a National Church that seems less assailable than the Royal supremacy or headship of the Civil magistrate, so that they are clearly in error who maintain the incompetence of the Civil ruler to interfere in religious matters within his realm. Such a statement is contrary to the practice of antiquity and of every National Church in all ages. The Reformers felt very strongly on this point, as we find

<sup>1</sup> Such writers of course utterly abjure the theory of the Royal Supremacy as inclusive of the Church.

<sup>2</sup> The Saviour's words often say as much.

<sup>3</sup> As regards those within the Church who impugn the Supremacy of the magistrate, this tendency cannot operate.

them occasionally going so far as to affirm that Nero<sup>1</sup> was Head of the Church when Christianity was received by some of his subjects at Rome. This view has been repeatedly urged against the advocates of Church and State, but not equitably; first, because Christianity in England is now no new sect, as it was in Nero's time, professed by a few who trembled from fear of the Civil magistrate; and secondly, the Sovereign is not only a Christian, but is not a cruel and unprincipled tyrant.<sup>2</sup> The necessity, therefore, of the king's connection with the Church arises from the universal profession of Christianity in his realm, and the justice of this connection depends on the character, upon the whole excellent and praiseworthy, of our British rulers. Those, however, who object to the Headship of the Civil magistrate in Church matters, delight to describe the sovereigns of Great Britain in terms that can only with truth be employed of the despots of ancient Paganism. The history of England under the Norman, Plantagenet, and Tudor sovereigns shows what our kings and queens have been, more especially towards the Church.<sup>3</sup> Here and there we find our Sovereigns passionate and vicious; but who amongst us, much less those who have the opportunities of rank and wealth for the gratification of their inclinations, is free from failings of some kind. However, what a bold front some of these kings displayed, long before the Reformation, both to clerical insubordination at home, or Episcopal usurpation from abroad. Did not the Norman kings of England preserve intact the independence of the National Church, and in doing so repress pure Ecclesiasticism? No greater benefit could be conferred on the Church in days such as ours, because uncompromising Ecclesiasticism will not be tole-

<sup>1</sup> Cranmer's Examination before Brokes. (See Parker Society Publications, vol. ii., p. 219.)

<sup>2</sup> As Nero was.

<sup>3</sup> There is very widely diffused misapprehension respecting the true character, aims, and motives of the kings of England, more especially of the Norman and Plantagenet lines. Some seem to think that liberty and civilisation were strangled in the transition from the Saxon to the Norman Dynasty, and that the Church all but crushed the Secular Government. This is in a manner turning English history upside down.



rated, nor indeed any phase of Churchmanship which is not tempered by the moderating influences of Secular Government.

Supposing, however, for argument's sake that we fail to make good the assertion of the Royal Supremacy or, in general, the right of the Civil magistrate to interfere in concerns of the Church; grant that such a prerogative is inconsistent with the Headship of Christ and contrary to His authority; yet it may be asked what substitute is proposed for paramount regal authority? Strange as it may sound, the reply comes to this that some, who anathematise sacerdotal assumption are willing, by a severance of Church and State, to deposit the chief and unrestrained control of sacred concerns in the hands of the clergy only, or in other words to create an ecclesiasticism which, wherever or whenever it exists, has been found an *Imperium in Imperio*. On the other hand Church and State, from the period of the Saxon Heptarchy, has been the great barrier to any exercise of ecclesiastical jurisdiction exempt from the supervision and, if need be, restraint, of the Secular Government. Therefore not only may the plea or pleas lodged against the relation occupied in the National Church between the Sovereign and ecclesiastical persons and causes be controverted; but all virtually must cede the entire question at issue by the admission that the Sovereign is not precluded in every respect <sup>1</sup> from promoting the interests and influence of the Church in his kingdom.

The objections to Church and State, deducible from the position assigned to the Civil magistrate <sup>2</sup> in matters ecclesiastical, it is alleged are applicable *totidem verbis* to the Legislature. The House of Commons, for example, it is argued is from its very constitution a most unsuitable assembly to draw up rules of discipline, much less frame doctrines for the Church. Now it is difficult to believe that some of those can be very much in earnest who press objections of this kind, for we find that the Puritans for instance when they obtained the upper hand were

<sup>1</sup> By example and other ways.

<sup>2</sup> Wardlaw, Lecture iv. In Lectures vii and viii he considers the objection against Church and State at large. Noel, part ii., c. i., sect. i., argues against the Establishment as an arrangement inconsistent with our idea of a State.

very ready to use the instrumentality of Parliament for giving effect to their desires and plans in Church management. But in any case, it is quite possible to meet the allegation about the unfitness of the House of Commons to make laws and dogmas for the Church by the simple negative—Parliament never did and, we trust, never will do so. Whoever therefore insists on an objection of this kind must be ignorant of history as well as of what it is that renders this or that ecclesiastical enactment binding on the Church. As already stated, invariably the clergy have taken the initiative in what is now received as obligatory upon the Church of England as a religious body; so that what the House of Commons passed, it received previously from Convocation. This places the National Church in its relations with the Legislature in a very different position from that popularly ascribed to the Establishment. Nay, more. The Church of England in this respect has a more solid claim on general acceptance than any *regime* which Nonconformists can put forward. The element of secularity in the Articles, Discipline, and Liturgy of the Establishment, is either non-existent or infinitesimally small. No one can say of Anglican as to some extent they can of Nonconformist Theology and Church Government, that nearly the whole of it without antecedent clerical deliberation, or at any rate choice, had passed committees not very dissimilar in composition to the House of Commons.

The argument founded on previous action taken by the clergy in or out of Convocation cannot be gainsayed; but the original objection is still not abandoned. Granted, say the Dissenters, that what is affirmed about Convocation and the clergy is true; but at any rate the Doctrines, Formularies, and Public Services of the Church of England contained in the Book of Common Prayer have passed both Houses of the Legislature, a fact which involves every concession we ask for. The reply to this is conclusive. Of course Parliament has been allowed to deliberate on these matters: but how, otherwise, could the articles and constitution of the Establishment become the law of the National Church, if not considered by all its members? The Laity do not sit in Convocation, but still are as integral a portion of the Church as the clergy. Here, again, as in their reasonings respecting the Royal Prerogative in

matters ecclesiastical, the Dissenters contradict themselves, since they unjustly impute to the Church of England as a reproach what it appears they applaud themselves. For instance, to deny the right or equity of the House of Commons to occupy itself with anything appertaining to the Church, would be to construct formularies and discipline out of incomplete materials relatively to the assent of the entire Church. Such a restriction would dwarf the dimensions of the Church down merely to its clerical element; but here as in other things the National Church follows the old paths of apostolical usage, by adopting the arrangement so forcibly explained by Hooker, of not calling anything a law of the Church till it has received the approbation of the clergy and assent thereto of the laity. Now the procedure in the National Church of England is alone practicable at present by assigning Parliament its existing function in ecclesiastical legislation.

Admitting, however, that certain neutralizing effects reside in the provision just laid down respecting the joint assent of clergy and laity, the Dissenters still urge the objection that the practical result is the same, and that the Royal supremacy and the authority exercised by the Houses of the Legislature in Ecclesiastical matters not only impart an almost exclusively Parliamentary complexion to the National Church; but permanently depress its standard of religion. The relation between the Civil and Ecclesiastical power thus transforms the dogmas of the National Church into unspiritual forms of words, degrades the clergy by teaching them to fawn on the secular government, and in fact starves the great masses of the people in regard of everything which is good and true in Christianity. The National Church of England does not own only a Parliamentary religion, inasmuch as her theology has not been defined or constructed in the first instance by the House of Commons. Episcopacy has not been derived from the House of Commons, for if the lower branch of the legislature had continued of the mind it was in Milton's day, not a single remnant of the order or authority of bishops had been left. The discipline and government of the Church has not emanated from the House of Commons, for both are synonymous with the ancient canons. The liturgy and the other public services of the Church in the Book of Common

Prayer do not reach us from the House of Commons, but partly from ancient devotional forms used from time immemorial in the Church of England, and partly from sources as old as the apostolic age itself, in the one case possessing both a national character and ancestry, at all events as remote and in the other far more so than the Parliament or indeed constitution of Great Britain. This answers the objection of a Parliamentary Religion, while the argument at the same time disposes of the sarcasm that tries to pour contempt on the Articles and Ritual of the National Church as unspiritual fossilized remains of an exploded dogmatism.

But in spite of the foregoing reasoning it is argued that an Establishment, as such, is injurious to the Church before any of its Liturgies or *Credenda* have been authorised as well to the clergy themselves. If it were otherwise it is alleged that for the three first centuries at least, Christianity must have been in a rather retrogressive condition, as during that period there was no connexion between Church and State. But this embodies a very general misapprehension, because, although the Emperor Constantine was the first Sovereign who officially sanctioned Christianity as the established Religion of his vast dominions, yet before his reign well-defined relations existed between the Civil and Ecclesiastical power. Thus from very early times notably prevailed one regulation, which according to Dr. Chalmers constitutes the very essence of a Religious establishment, namely, legally protected endowments for the payment of the Clergy. But prejudice often renders controversialists proof to either logic or history, and in this case they have devised means of escape. They assert that if before Constantine's day the Church was established, so much the worse, if those who did so had no better motives than Constantine, who acted merely from a selfish statecraft, which inflicted irreparable damage on the Church. This statement begs the whole question, and is besides historically false. There may have been certain disadvantages to the Church in Constantine's conduct; and his object, whether sincere or not, does not affect the question of the salutary results. But, undoubtedly, the relations thus cemented between the Civil and Ecclesiastical power prevented in those days of imperfectly developed civilization

an outburst of evils far more destructive. But an Established Church, it is said, operates perniciously on the clergy themselves, because by ensuring their incomes to them irrespective of the will of their parishoners, it tends to make the minister hard and haughty, and if not especially on his guard, apathetic and unspiritual. Now as regards the clergyman's stipend, whether it should be paid by his congregation or by the State, is the great question between the Church of England and voluntarism.<sup>1</sup> But it may be asked whether a State Church does necessarily injure<sup>2</sup> the clergy? But has any proof of this deterioration been given beyond the assertion itself? Supposing that the English Clergy were really, as a body, as undeserving of public confidence as they have been described by opponents of Church and State, does it therefore follow that such inferiority ensues directly from the Establishment, more especially if worthless ministers can be discovered in every communion. Among so many ministers encircled with the frailties of human nature—for God when He makes the priest does not unmake the man—there may be those who forget their sacred calling, yet this has over and over again happened in other Churches where there is no Establishment to corrupt the clergy. The Church of England indignantly repels the insinuations that her clergy as a body are not exemplary ministers of Christ, devoting their entire heart and energy to the work of their Divine Master.

Though driven from his position in regard of either the ineligibility of the Civil magistrate to interfere in Ecclesiastical concerns, or of the Anglican being only a Parliamentary religion, or of an Establishment having vitiated and, in fact, Paganised Christianity, or of the moral inferiority and of the depression of zeal in the clergy, the objector has other arguments in reserve when he strives to bring in the Church guilty of encouraging Formalism, Hypocrisy, Sacerdotalism, Ritualism, and Roman Catholicism. Now as regards hollowness of assent

<sup>1</sup> Which will be considered afterwards.

<sup>2</sup> Mr. Noel attacks the Clergy of the National Church with unjustifiable coarseness and bitterness; see p. 459 *et seq.* of his *Book on Church and State*.

and its concomitant insincerity attributed to a system of public formularies and doctrines, it is not true that a voluntary Church escapes this risk, for men in order to gain preferment will be just as prone as under an Establishment to conform deceitfully to the standard of religious thought accepted by those who are to pay the minister, except there be no such standard, and then of course it is very little matter what the pastor believes! But again, admitting such hypocrisy,<sup>1</sup> it cannot be the same now in the National Church as heretofore owing to recent legislative changes respecting forms of subscription, and other conditions of Church membership. We are not here called on to argue the question of subscription; but we readily allow that those who so zealously promote relaxation can go too far. Would it be salutary to carry the abolition of tests so far as would obliterate all distinctiveness of Creed? If there exists a National Church in any country there must be some protection or other that the clergy receive her formularies and doctrines; otherwise one who differs from her might hold office in the Establishment, while inculcating the principles of Nonconformity. There can be no invasion of conscience here, much less any attempt to propagate truth by coercion with which the Church of England is so inequitably accused. There need not be, because there is a State Church, any want of toleration and religious liberty in England; but at the same time, if there is an Establishment, it must have some public test; and yet the acceptance of that test no more involves an encouragement of hypocrisy than what with a mere change of name and routine is subscription in the various churches of other denominations.

But although it is possible thus to refute the denunciation of tests and their collateral intolerance and disrespect for the rights of conscience, the opponent of an Establishment proceeds rather unscrupulously to charge the National Church with certain abuses for which she is clearly not responsible. For instance, the State Church we are told has rendered the

<sup>1</sup> Only for argument's sake.

Reformation of the 16th century less searching and universal than it otherwise had been in England; stifled needful changes which since then have been demanded on all sides within the Establishment; connived at Romanizing practices, and swelled the ranks of the Roman Catholic Church by encouraging if not producing Ritualism; and, in general, done its best to poison at its source the purity of religious truth, and thus lend support to Rationalism and Infidelity.

The accusation that the Church of England has stood in the way of complete reformation is explained differently according as it emanates from objectors within or without the Establishment. One could not enumerate the various imperfections on this score, which have been adduced both by members of the Church of England and by Dissenters; suffice it to say, that to yield to such criticism to any considerable extent would be to disfigure fundamental truth as well as the Government Formularies and Discipline of the Church of England. But the real truth is, the Church of England did not leave the work of the Reformation in any very serious particular, incomplete or neglected; and people who say otherwise, cannot very clearly understand what was then done. There are thousands who have yet to learn what this great movement intended, what it achieved, and how it did its work. That at the Reformation the distinctive doctrines of Catholic Christendom were jealously guarded by the leaders of this movement in England is just what so many amongst us seem not to have even a remote conception of.<sup>1</sup>

The next charge urged is that the Church of England, in virtue of the connexion which she acknowledges to exist between the Civil and Ecclesiastical power, has strengthened the Roman Catholic Church, whereas the very reverse of this is the truth; the Holy See has from time to time been unremitting in its efforts to gain spiritual supremacy over the Church of England, but even with a considerable leverage in the case of the monastic

<sup>1</sup> There is some point in what is said about the necessity of reform in the Church at present: but so much has already been carried out in this direction as to give ample security that the work will not be allowed to rest here.

orders and Secular clergy, it has hitherto failed in such an attempt. Indeed this has been the experience of England from the first, because there has been an Apostolical plantation of the blessed Gospel in this island long before any Bishop of Rome ever thought of making the British Church his own. Nor is this all, for when Pope Gregory's mission landed on our shores, it found a Church with its order of Bishops, its public Liturgies, its Ecclesiastical customs, and that independence of all foreign jurisdiction which the British prelates told St. Augustine they were resolved to uphold against all comers. Events, no doubt, afterwards took place which somewhat impaired the liberty of the National Church,<sup>1</sup> but such injury was only partial. However, the damage was liable to spread, and had it not been for the determination of our kings and Parliament—and they had never been nerved for the conflict, were it not for the fulcrum afforded by the use in Ecclesiastical concerns, they were able to make of the Civil power in England—scarcely a shred of freedom had been left the National Church. One need not be surprised at the imputation cast upon the Church of England, of favouring Roman Catholicism during and after the Reformation; for two reasons: first, the peculiar circumstances under which the kingdom was then placed; and secondly, the general ignorance prevalent then and at all times as to what the Reformation really did and was intended to do for our people. Now what lay at the centre of the Reformation in this country, was the rejection of the Pope's supremacy and the removal of whatever innovations had been introduced into the Church of England. The Reformers in England never thought of denying authority to the Bishop of Rome in his own diocese, but distinctly repudiated the idea<sup>2</sup> that the Pope had any more jurisdiction over this realm than any other foreign prelate. To that view the Reformers closely adhered from first to last, and with this result: the religious movement itself became rather a renewal than in any sense the building up anew of

<sup>1</sup> In those days what Church of Europe was thoroughly free from the influence and power of the Roman See?

<sup>2</sup> Their judgment was confirmed by that of the leading universities of Europe.



the Church of England. A great deal of what was accomplished afterwards, both as regards Doctrine and Ritual, was observed to be simply declaratory of what already had from an early age been sanctioned, statutably and otherwise, in the Church and realm. Now the masterly manner in which the pilots of the Reformation<sup>1</sup> guided the Church and nation, not only lays us who are now reaping the golden fruit of their energy and prescience under obligations, but completely disposes of the accusation we have been considering.

The next objection is, that the Church of England, by the unavoidable impulse which as a religious Establishment it gives to Formalism, has virtually produced modern Ritualism. Now whatever be the primary cause of Ritualism, it is certain that it is not the National Church in its totality, or as a religious Establishment. We say in its totality, because there is a very widespread but erroneous conviction that Ritualism is traceable in its rise—nobody could say, however, in its progress—to the Anglican party. High Churchmen, eminent alike for their virtues, erudition, and consistency, have over and over again disowned the insinuation that they are answerable for this development of Ceremonial. It is we believe a well-ascertained fact, that among what is known as the old Anglo-Catholic party in the Church of England Ritualism has had but few patrons.

The true parentage of Ritualism should be sought for elsewhere, partly within and partly outside the Church. The cause within the Church, perhaps at the beginning suggesting extreme ornamentation in public worship, has been undoubtedly the carelessness, whether designed or not, shown by many as regards the arrangements of Divine Service. But apart from this and other religious causes, we have an impulse perhaps still more powerful towards modern Ritualism in the philosophic tendencies and materialistic tastes of our day.

All admiration is now-a-days reserved for what can endure the test of a rigid utilitarianism, so that whatever has not passed through this ordeal is cast aside, and counts for nothing. The splendor and æsthetic charm of pomp in religious services fits

<sup>1</sup> For instance, Cranmer and Parker.

nicely in with the bent of the age, and hence perhaps the success of this school. In itself Ritualism is, we conceive, no plant of indigenous growth in the Church of England, but has sprung up from the causes already mentioned. The Ritualistic services have never been up to this the recognised model of public worship in the Church of England. The Church, however, is not unmindful of dignity and beauty in her order of Service, though nowhere directly enjoining mere pomp and brilliance. A loyal Churchman, then, will comply with a reasonable standard for a religious service, while he avoids invective and want of due charity of spirit towards those who conceive that grandeur in the conduct of worship assists devotion, and reproduces the aspirations of early Christendom. All such magnificence is quite in its place in the Roman Catholic Church,—the gorgeous vestments, the jewelled chalice, the glittering altar, the perfumed incense, the mysterious prayers in the mysterious tongue, the voluptuous music. The Church of England, however, has never authoritatively practised any form of public service which either stimulates the imagination or fascinates the senses.

It is also objected against the Establishment that the National Church by its treatment of Dissenters brings pure doctrine into disrepute, and in this as well as other ways encourages and increases Rationalism and Infidelity. If the Establishment, it is said, is so niggardly of Christian fellowship towards those who hold in integrity a large body of Catholic truth; what must be the practical inference but that members of the Church of England can have no very deep-seated conviction that the doctrines they hold are true? for if they had they would treat with greater consideration other religious communities who place some of these very doctrines in the foreground of their Confessions, Catechisms, and *Symbola*. In the first place is it a fact that the National Church does, at least now, treat the Nonconformists of England with so much scornful indifference? The progress of toleration has been necessarily retarded, but yet where does the alleged harshness on the part of the Establishment towards the Dissenters exist? But the accusation itself may be retorted on the Nonconformists, because, in face of the almost incredible multiplication of sects within the bosom of Nonconformity, there

cannot be a rigid adherence to apostolic doctrine. However, if there is this substantial agreement between Nonconformists and Anglicans, the former must, on their own showing, stand self-convicted on account of their separation from the Church of England. The Church of England is also charged, as an Establishment, with being the indirect cause of prevalent infidelity. Now remembering the large body of Catholic Christianity which the Church of England teaches publicly in her Articles and Liturgy, and also bearing in mind what barriers to capricious innovations her realised standard of unity has been, it seems scarcely possible for this objection to hold—but it recoils on Dissent. In the religious system of Nonconformists the right of private judgment is allowed to assume an unnatural isolation from all influences not strictly individual. Thus unfettered the human intellect must ever be strongly impatient under authority in matters of opinion and lean towards scepticism. In the Church of England, on the other hand, where the privilege of private judgment is cherished as every man's indisputable right, there are many helps furnished for enabling all who require guidance to arrive at correct conclusions in religion.

We are aware that Rationalism in England has been ascribed by eminent writers within the Church to the Tractarian movement: the real truth being that this movement has been pronounced one of the most influential revivals of the Church of England since Wesley's day. However, whether the Oxford Tractarian theology looked Romeward or not, a great change since for the better has, in many respects, taken place in the Establishment. To ascribe Rationalism to the Tractarian movement, is to really confound cause and effect: and thus attribute English free thought to a wrong source. Free thought has come to us in these days from Germany and France: and on touching our shores, in due course elicited the Tractarian movement as an intended antidote to the virus of infidelity. If this be so, that which preserved the Church of England from a complete relapse into Rationalism has been the Oxford movement. Let not anger and prejudice blind us to the share the principle of this school has had in the conservation of even Reformational Theology. The Rationalism of the present day is

not a recoil against the immoderate use of authority in matters of opinion, but against all authority as such. It is not a revulsion of feeling against an extreme party in the Church, but an attack on the Church itself, and on Dogmatic Theology. Realised forms of religious thought would, it is almost certain, have been swept away in a flood of Rationalism had it not been for a counter movement which came to the rescue of traditional belief, and of all precise thought in religion.

The objection, however, is pressed that in the general result an Establishment degrades religion in the person of the clergy, and by an uniform theology. It is also said that an Establishment depresses Christianity practically in the eyes of the people, who are led to suppose that the Church if not the actual creation of the State, is made a mere tool from time to time of its policy. Some feeling of this description it is that induces Nonconformists to believe that England would in every way be the better for separation between the Ecclesiastical and Civil power—a conclusion confirmed by the system of Roman Catholicism where Church and State has been adopted. Cardinal Bellarmine, we admit, points out that there subsist well-defined relations between the Civil and Ecclesiastical power in his Church, but it is a connection the very reverse<sup>1</sup> of that employed in the English Establishment: Anglicans build a Church on the State, not in every case choosing the same mode of adjusting the relation of the Civil and Ecclesiastical power; whereas Roman Catholicism builds the State on the Church. The Establishment in England has prevented the rise of a clerical order, independent of all Civil control; whereas the aim of the Papacy has always been to fix in every country a pure ecclesiasticism involving power paramount to all secular government. A resistance to such ambition has

<sup>1</sup> Cardinal Bellarmine in his work "De Romano Pontifice," Lib. v., c. 7, observes, that although Civil and Ecclesiastical power are sometimes found separate, they are sometimes conjoined, and when the latter they make one body with, however, a subjection of the inferior to the superior. Should any complications arise to interfere with such subordination the spiritual power can and ought to coerce the temporal by every way and means which shall seem necessary.

brought out into strong light at various epochs of history the utility and value of Church and State in England.

It is also objected that from the nature of human society as well as the mainspring of action in both, individual sincerity and private benevolence must be quenched by an Establishment. The best reply to this is the success of voluntary effort within the Church of England, and its comparative failure outside. Again, it is said that it must operate perniciously on the tranquillity of society and disturb its equilibrium, that the State should be allowed to propagate any set of religious opinions, or force them on those who do not believe such doctrines. Now if a Church is Established it must recognise certain Articles of Religion, but this involves a very considerable advantage in the midst of the multiplicity of sects and opinions among Dissenters. But however essential to an Establishment uniformity of religious teaching is, we have yet to learn that the Church of England has ever in these days endeavoured to force its tenets upon others, or in any wise ride rough-shod over the conscientious scruples of Non-conformists.

Again it is argued, that it is hurtful to the best interests of society that any one set of people should be endued with privileges and enjoy advantages not open to all. To this charge we reply that in every society, as long as minds and habits differ and certain needs exist, that must always exist, there will be inequalities, so that if all men were made equal to-day they would be unequal to-morrow. But next, are the advantages of the State Church withheld from the Dissenters? Is it not their own fault if they shut themselves out from such privileges? They answer that their moral sense forbids them to conform; we rejoin that the grounds of this ultimately must be tested by a comparison of the two systems—Anglicanism and Nonconformity.<sup>1</sup> An Established Church, it is also said, can only exist on the ruin of the Body Politic; but how can this be, when the Church and Nation are<sup>2</sup> coextensive? If we want to paralyse Secular govern-

<sup>1</sup> The Church of England has no doubt what the verdict must be before a competent and candid judicature.

<sup>2</sup> As Hooker argues.

ment, sever the tie between Civil and Ecclesiastical power, so as to permit the Church as an unfettered institution to become an *Imperium in Imperio*. But, it is asked, will or can the Church be content to share power with the Civil magistrate, and not grasp at supremacy? The Establishment of England we submit is a living answer to this. In what respect, Dissenters ask, when the Church they say does intermeddle with the rights of Civil Government, for instance, in her claim about the inalienable nature of endowments, thus trying to destroy the patronage of the State. But surely the State cannot claim what it never had, because the endowments in question are mostly the gifts of private and voluntary munificence. However, it is urged that Church and State renders it as a general rule almost impossible for the Civil magistrate to rule efficiently, for it brings him beyond his tether, and renders him answerable for matters that strictly are not in his province. But it is simply impossible, and not desirable if it were possible, where the Church though not of, is in the world, to isolate the Civil from the Ecclesiastical power in any country.

But, we are asked, does it not bring Government into disrepute with the people, that the Civil magistrate should be called upon to draw up refined theological distinctions—an office quite beside that of a Secular ruler—and having done so to mediate between conflicting creeds of different religious communions? Now does the Church of England do this, or is this a true transcript of what we call the Royal Supremacy. Has the Church, in virtue of existing relations between the Civil and Ecclesiastical power, ever attempted more than this—the construction of a certain rule of orthodoxy, and the proposing through the medium of Parliament of such a standard to the laity for their assent previous to its becoming Ecclesiastical law? Uniformity having been once settled, where has the Church interposed in the affairs of other communions in order to adjust the multitudinous conflicts of opinion discoverable in Nonconformity? Leaving details however, it is alleged as a general complaint against the Church of England that the Establishment is a colossal wrong which blights the nation. But the Church of England inflicts no wrong on the nation by being an Establishment, or if she does, pray where is the wrong? Is it that the Church inculcates unscript-

tural Doctrines and discipline not apostolical, and forces both on those who believe neither one nor the other. But where is to be found a more Catholic system of dogmatic teaching and Church Government than in the Church of England? We can see in the formularies, tenets and services of the Church of England not only Scripture, but the sanction of Christendom during some of its best and purest days. The Church does not consent to surrender those Scriptural doctrines, and apostolical constitutions at the beck of those who utter the sneer that all such steadfastness has been at the expense of popular liberty. But has the National Church been a foe to popular liberty when she came to the rescue of oppression in Britain under the Roman Emperors? Has she opposed freedom, when she determinately refused to accede to St. Augustine's command of conformity with the customs and authority of the Roman See, and thus co-operated with the Crown in nerving the arm of the Civil Ruler for grappling with an Ecclesiasticism which could only flourish on the ruin of national freedom? Was the Church of England the foe of popular freedom when she placed upon a secure basis the true principles of toleration, and obliterated from the Statute Roll of the Kingdom all traces of Penal Legislation?

An unfounded charge will provoke many to ask, Who those are which have persistently hindered uniformity and imperilled religious unity, from merely a desire to see their own multiform opinions and caprices in theology adopted? Who have borne down with thundering violence on the tender conscience of others; and, when they got the upper hand, pressed into their service for religious purposes the Secular power, thus taking into their own hands the weapon they boasted of having wrenched out of the grasp of others? Who spoke scalding words against the National as a persecuting Church, and no sooner obtained the direction of the State, than they at the point of the sword drove out of the kingdom into poverty and exile, men whose only offence was to be the possessors of legal privileges and rightful incomes? Who set their own unaided judgment as the measure of Christian Catholicity, and called in the aid of the Secular Government, which the Church of England has never done, to define doctrines? Who trod on the necks of the people, crushing

public spirit, converting the Houses of the Legislature into a mere tumultuous conclave, and in the meleé overturning the throne of England?

But whatever be the form of objection urged by Nonconformity against either the claims or wisdom of the Establishment, we are not in a position adequately to measure, and therefore effectually to reply to such opinions, if we do not bear in mind that the National Church of England has been, in the first instance, apostolically planted in Great Britain; where by becoming the Religion of the people, it soon acquired close relations with the Civil Government. Without any formal compact therefore, but by the silent, though sure operation of circumstances, the union of Church and State grew with England's growth, and in spite of all antagonism has had its continuity never once broken.<sup>1</sup> The several additions from century to century, which filled up the interstices of what of course was originally in mere outline, had solidity and permanence imparted to them by the security afforded to the joint interests and possessions of Church and State under the protection and vigilance of the Crown and Parliament. This is the glittering canopy which for centuries has overspread the Church of England, and which has resisted the many efforts of those who so eagerly desire to rend it in twain.

Nonconformity to Church and State runs up into a denial, from the nature of the Ecclesiastical and Civil power as such, of the justice or compatibility of any such union at all. Both of these societies Dissenters hold to be specifically distinct, with different objects, different sanctions, worked by different means, and acknowledging a different headship. The opinions of the Nonconformists on Church and State, though assuming different

<sup>1</sup> An attempt was made to controvert this in the famous story of the Nag's Head Tavern, Cheapside, where it was said our first Bishop in Queen Elizabeth's reign was consecrated. Neal (*Hist. of the Purit.* Book iv.) repudiates this imputation, which Bishop Bull says is "so putrid a fable that the more learned and ingenuous Papists are now ashamed to make use of it." The Apostolical Succession has been abundantly written upon, but nothing is omitted in the proof of the continuity of the English Church in Courayer's "*Dissertation on the Validity of English Ordinations.*"



phases, according to the subdivisions of Dissent repose on the one assumption that Christ, as the only Head of the Church, was the only Ruler and Legislator in it, and therefore there could not, and ought not to be, any intercommunity between the Civil magistrate and the Ecclesiastical Body. The Church of Christ is the Redeemer's kingdom, in which he is the sole Monarch and Judge, so that all the clergy, and all who profess to be the Lord's followers, are but His servants, without a single particle of legislative authority. Whatever needs—and the Nonconformists are unable to deny that such exigencies could not but arise—might, from time to time, be felt for a government of some sort in the Church, must be supplied from the Scriptures, which are the only rule of faith and practice.<sup>1</sup>

The attitude assumed by the Nonconformists towards the National Church turn thus chiefly on the alleged incompatibility of any combination of sacred and secular functions and prerogatives in the same person. The Dissenters, as a general rule, draw a far too rigid line of demarcation between the Civil and Ecclesiastical Government, so that there could exist no commerce between the two, which, both in quantity and quality, both in kind and degree, are poles asunder. It is true that all the sects do not embrace this paradox to an equal extent; while one of them, the Presbyterians, seem to have partly disowned it. They indubitably did not fix so frowning a chasm between the Church and the Civil magistrate, but are quite alive to the value of Government as a unifying principle between various Churches. And so much has this been the case that, it is certain, the Presbyterians would have accepted the theory of a National Church if they could have succeeded in establishing their own plan of Ecclesiastical management. At first their hopes beat high in this direction, till frustrated by the rise of the Independants, who went many steps beyond the Presbyterian regime and, in fact, their tenets struck at the roots of all Ecclesiastical and, as the history of the monarchy shows, of Civil Government.

<sup>1</sup> As a necessary consequence of such reasoning, the right of private judgment acquired great ascendancy with Dissenters, as they denied the possibility of such liberty in a Church where the doctrines of Religion were prescribed by the Civil Government to the people.

It is not the province of this essay to unfold the diversified and chameleon views of Nonconformity as realised in several offshoots of schism, only so far as they arise from the primary objection to Church and State which we have been just considering, but which carries on the face of it its own refutation. However, let us observe that it may very reasonably be regarded as a testimony to the National Church that the Nonconformists imbibed their system from prejudices springing out of external events. These outward circumstances in the Church and nation have long since passed away, and with them the occasion that evoked such dissent, but the opinions unfavorable to the Establishment still remain. The sting of aversion to the Anglican Communion is as yet unplucked out of Nonconformity. We have already seen that attempts had been made to bring about a reconciliation between the sects and the Church which, if it could be accomplished without a sacrifice of principle on either side, would constitute an almost impregnable support for our common Protestantism. In making this statement we do not presume to say that all or, perhaps, any of the guilt of existing alienations<sup>1</sup> rests with the Church of England. The entire *onus probandi* lies with the Nonconformists themselves, who must justify their separation from the Church. It is their duty to palliate, if they can, all the revilings they have emptied on our Episcopal Government, our Apostolical succession, discipline and doctrines, and our alleged wealth and supineness. Most of the threats and charges however which they have preferred against us since the Revolution of 1688 evaporate under the calm verdict of history.

The great Church of England, from the position, in virtue of rightful inheritance, which she occupies in this nation, and from the real Apostolical character of her Ecclesiastical Government, formularies and doctrines, can afford to behold undismayed the rage and violence of those who have left her communion. The National Church does not rest on privileges however strong in law or in fact, without pity on those waifs of schism that have no fixity of tenure and without charitable tenderness towards the failings of others. Of course, in every dispute there must be

<sup>1</sup> Dr. Arnold in his fragment on Church and State observes that it is alienations that really infringe on Church unity.

faults on both sides, though where the greatest number of them lies in this case we leave the sober sense and judgment of mankind to record. The Nonconformists themselves, to their credit be it spoken, have, some of them, acknowledged that they have beaten with many those that deserved few stripes. Their tone towards the Establishment has lost, in some particulars, much of its bitterness. A good deal of acerbity still survives among Dissenters, but the fact that they have recanted a few of their errors respecting Church and State may in time lead to the surrender of others. Is it then too much to hope that a yet nearer coincidence of opinion and practice may develop itself between the Church and those who have retired from her fellowship? Thus once more may dawn over England the halcyon hour of that religious peace and unity which have been so long obstructed by circumstances which all, we believe, deplore. No properly balanced mind and no heart that yearns for the prevalence of true Catholicity would object to see swept away whatever barriers there are to the renewal of love between Christians who in doctrine have so much material for concord. It was misfortune chiefly that plunged England into this life and death struggle, which has at least answered one good end in a revival of the National Church; and as, under God, we Anglicans will continue to achieve greater progress, may that Saviour, who lived and died for men, accomplish, in His own good time, the restoration of friendship between brothers, and with it organic Ecclesiastical unity. The Dissenters themselves have, in a great measure, been the stop-gap to such concord, more especially at the rise of Puritanism; because when they gained the upper hand in Cromwell's time the Nonconformists perpetrated real invasions on liberty and religion. But this has not always been the case, and therefore there would appear to exist some tangible expectation of an alliance. At all events no member of the National Church ought to withhold from Dissenters their honest due. To the credit of the Dissenters of England it must always be said of them—and the Established Church so far owes them a debt of gratitude—that they have often stood manfully up in favour of religious liberty and in antagonism to the unreasonable claims of Rome. Dissenters have worked with Roman Catholics against a religious Establish-

ment because they consider it a wrong institution and injurious to religion. But the Nonconformists have more than once waived their own interests rather than weaken the hands of the English Church in her conflict with the pretensions of the Holy See. No Protestant Episcopal Churchman should ever presume to gloss over this noble piece of self-sacrifice on the part of his Dissenting brother.

## CHAPTER VII.

## THE SUBSTITUTE FOR CHURCH AND STATE.

Voluntaryism as a substitute for a National Church.—The question of Ecclesiastical Reforms.—Some of the effects of a dissolution of Church and State.

THE entire theory of Church and State is rejected in favour of Voluntaryism, the value and efficacy of which cannot be denied, for it is resorted to in an Establishment. But the question is whether the voluntary principle in and by itself is preferable, as compared with the machinery of a National Church, for the methodical diffusion of religious instruction and religious ordinances throughout all grades of society. The voluntary principle has been, we may say, enthroned in the Church from almost the dawn of Christianity in England. What, in fact, are those grants of money which relations between the Civil and Ecclesiastical power were enabled by legal protection to convert into endowments, but outgoings, in the first instance, of the voluntary principle?<sup>1</sup> Here the value of a State Church comes conspicuously forth, not only because it thus affords a sanctuary for the guardianship of pecuniary gifts and their preservation for pious purposes as enjoined by the donor, but it offers inducements to others to give their goods for the benefit of religion who would not feel justified in so doing without legal security. Successive acts of munificence became first the nucleus and afterwards the substance of national endowments for Religion. In our own day is worked as vigorously as ever the principle of voluntaryism within that of endowment by the State. The National Church has not had the warmth of individual benevolence chilled by the State principle, though she has never relied exclusively on the

<sup>1</sup> A masterly refutation of Voluntaryism is to be found in a work on the subject by the Rev. W. C. Magee, the present Bishop of Peterborough.

voluntary principle, and for the simple reason that it never could do, for it never has done the work that the Establishment has been doing since Alfred's reign and before it. The Church neither disowns voluntaryism as a helpmate, nor asserts that a religious communion may not be managed on the voluntary principle. It is, however, quite another question whether voluntaryism, in reference to the work to be done and the cost of doing that work, can be shown superior to an Establishment.

But if voluntaryism be the great question between those who advocate and those who oppose Church and State, the whole notion of endowment is that which lies between the supporters and antagonists of the voluntary system. The propriety and expediency of endowments, as such, have been controverted in our day by those who contend for the abolition of protection in all departments where industry and enterprise come into play. This reasoning, as applied to endowments for Church purposes, may be called the economic principle, and enjoys the distinction of having been introduced to the world by Dr. Adam Smith,<sup>1</sup> one of the ablest of English thinkers. The argument which this well known master of Philosophy and Political Economy levelled against artificial duties on corn, he extended to endowments, which he regarded as alike hurtful bounties on production. No one can fail to see the force which such eminent authority infuses into such a principle. But supposing, for argument's sake, that this position holds good, and that in Religion, as in commerce or agriculture, demand should regulate supply, yet we affirm that, on Smith's own showing, the political economy plan of working a Church would, as compared with an Establishment, be far more costly and much less fertile in results, as it would require a greater outlay, and as the article produced would be certainly inferior in quality and very probably, under given circumstances, in quantity likewise.

But it cannot be supposed that the economic principle is relevant in a question of providing a nation with the requisites and ordinances of Religion. Is it reasonable or safe to employ arguments applicable only to the operations of commerce to the

<sup>1</sup> See his "Wealth of Nations," book v., chapter 1. Part iii., art. 2.

concerns of the Church? Does an analogy between Religion and Agriculture hold in the sense according to which the opponents of Church and State employ it? Can it, except in violation of the logic of facts and the constitution of human nature, be maintained that the aphorism that demand regulates supply—very apposite in mercantile dealings—should be acted on in Ecclesiastical matters? Is Christianity, which strikes at the root of what is false, impure, or selfish in man, precisely the article which is likely to be in general demand? Is Religion quite the commodity that people in the mass will spontaneously ask for, as they would for food or any of the necessities or luxuries of life? If we look away from those who make indulgence the law of their life, to those who strive after a different and better rule, the objection we are discussing, loses a little but not all its point. Where vice does not blunt the conscience, and make men indifferent about religion, yet ignorance may have this effect. But want of knowledge respecting the value of Religion may be observed in any given district or among any particular classes of society though perhaps ever so well disposed towards Christian instruction. The glad tidings of the Gospel may, however, never reach these people from want of sufficient means for the payment of a Pastor and other such expenses.

There are persons, all their life accustomed to competence and who have never known a want that will not quite enter into the foregoing reasoning. However, those who have had lengthened observation of the needs and difficulties of the humbler classes of the people, tell us that, absorbed as the poor unavoidably are in grappling with mere physical wants, they have but little leisure or heart to occupy their minds in holier meditations. Leave these creatures, often wasted by the burden of existence, to bring the Church among themselves by their own voluntary exertions, and let us see when or how religion will reach them. Hand over the prodigious multitude of our artisans and operatives to what can be accomplished for their spiritual need by spontaneous effort on the part of others, and scarcely a ray of the Gospel light will penetrate the homes of work or penury. It is a notorious fact, that the Nonconformists have not as a general rule pushed their way into the ranks of the people. It is an inevitable result

of their system not to touch the masses.<sup>1</sup> Now here the Church of England steps in to fill up the void that voluntarism practically ignores, and to carry the Church to those who otherwise would be without the inestimable benefit of her teaching and ministrations. The humble classes might be ever so anxious to have the Church among them, and yet too poor to defray the requisite charges. The National Church brings an apostolic Christianity, without money and without price, into the dwellings of the poor throughout the length and breadth of England.

But taking common sense as a guide, and arguing from the analogy of other departments of active life, it seems hard to account for the prevalence of the voluntary system. Let us, for example, take the parallel case of a State provision for public education. Science has no attractions except in cases of genius, sufficient to attract votaries. If, therefore, our universities had been left unendowed they would scarcely be what confessedly they are at present. We must hold out pecuniary inducements, so as to secure the services of properly qualified professors. It may be said<sup>2</sup> that the outlay is disproportionate to the result, because, in spite of liberal endowments, science in our colleges will be cultivated by comparatively few students. But if the system develops the powers of a Pascal, a Newton, or a Descartes, is the expenditure either excessive or useless? However, let the endowments be diminished, the standard of learning lowered; the classes will grow larger, but at the expense of science, so that although we have enhanced the quantity, we have sadly impoverished the quality of those acquiring instruction in this department. Therefore we maintain, that even on the economic principle, large endowments for an apparently small amount of work at our colleges pay eventually. The same reasoning may be applied to other cases, because if once we adopt the principle of ostracising all State endowments, we must give up our poor laws, army and navy, grammar schools, national galleries, and academies of art, music, and medicine—a condition which constitutes

<sup>1</sup> See the acknowledgment of Hugh Miller on this point in the closing chapters of his interesting and graphic "First Impressions of England."

<sup>2</sup> See Chalmers on Endowments, part i., chapter 2.



a complete *reductio ad absurdum* argument against voluntaryism.

But let it be conceded that demand should regulate supply in Religion, let us see how voluntaryism works. Now in its practical development, compared with the principle of State endowment, voluntaryism it would seem cannot carry off the palm, as in the long run it operates injuriously on the pastor, the congregation, and the church, while of course religion is thereby brought into contempt. Not only do the higher interests of spirituality and of dogmatic theology suffer, but the sacred edifices themselves. The voluntary church is often a hired room, liable, if the rent is not forthcoming, to be re-converted to a Secular purpose. Dissenters must not be offended at hearing their places of public worship spoken of thus. Their churches are admittedly saleable wares, and may be, if requisite, brought under the auctioneer's hammer. But let us turn to the Establishment, and contemplate for a moment its splendid cathedrals and parochial churches, spread like a network all over the kingdom. It is not necessary to rehearse the glories of English Ecclesiastical architecture, but the houses of God built and endowed within the bosom of the Church of England are in dimensions and beauty mostly suitable in every respect for religious purposes. But the most material circumstance to note here, is that our churches are free of rent and on free sites—perpetuities, amenable to the caprice and extravagance of neither clergy nor laity, and what is more, as being very often built by private munificence, and at an average cost of £3,000 each, reliable evidences that the voluntary effort is by no means inoperative within the Establishment.

Voluntaryism is injurious to the pastor, though we gladly admit that there have been, and are still living, Dissenting ministers who have risen above the pernicious working of their own system, and would in some cases be an honour to any nation and Church. But if one is examining into the natural and necessary consequence of voluntaryism, it is the rule and not the exception he must look for. Now the advocate of Voluntaryism, on the ground of what it does for the pastor, will be obliged to show that he is either better paid, more erudite, more large minded, of greater tact and refinement in his intercourse with his

congregation, and more independent over them than the Church of England clergyman. But what, even on their own showing, is the state frequently of Dissenting ministers? and how can the case be otherwise if we recollect the *regime* under which they work? The livelihood of an Anglican clergyman comes to him, but a Dissenting minister has to look for support from others. But can any worse thralldom be devised than that which virtually binds the pastor in chains? Where can be the independence of teaching if the crouching minister presumes not to inculcate what could offend the prejudices of those who pay the stipend?

Again, does, or rather can, Voluntaryism provide us with as highly qualified a ministry as the State Church principle? It is allowed on all hands that the clergy of the Church of England are as a body superior to Dissenting ministers in education. We are not now discussing the cause of this, though the Dissenters are not entirely at fault themselves. On the question, however, of a learned ministry there can be but one opinion of its indispensable necessity. If ever there was a time when intellectual fibre in the clergy was imperatively demanded, and when Christianity and culture should go hand in hand, that time is the present. The vulgar sneer that learning is unpractical expires under experience. But we are called on to witness ministerial failure likewise in the fact that the Voluntaries too frequently ordain men of inferior manners and social status. No one ought to believe that the gilding and embroidery of aristocratic courtliness or wealth can enhance the inherent dignity of the holy office, still the antecedents, educational training and personal habits and deportment of the public teacher of Religion do and must produce salutary results, and no where more than among the humbler classes of Society. Many good people tell us that the most effective method for reaching the humbler classes in religion is to send among them a teacher culled out of their own ranks. Not for one moment would we under estimate visiting missions, Scripture readers' societies, and other such agencies; but it may confidently be affirmed that the masses will deferentially listen to an educated pastor, authoritatively commissioned by the Church and carrying additional credentials from the Civil Government, when they will treat with suppressed scorn the assumed apostleship of

those whom they regard as no more entitled or able to take upon them the duty of expounders and catechists of Scripture than themselves.

But another question meets us, Will voluntaryism or the State Church principle more completely supply the means of spiritual ordinances so as to meet the wants of the people at large? Now, if voluntaryism is what some of its champions delight to describe it, there ought to be little difficulty in answering the question in favour of this system. Although everything regarding Church finance under the voluntary system lies within the control of all, yet there cannot be the shadow of a doubt but that the territorial principle, springing out of endowments,<sup>1</sup> and both the offspring of Church and State, has worked far more smoothly and effectively than the spontaneity claimed by Dissenters for their plan. What, it may be asked, has voluntaryism, with all its vaunted excellence been able to do for England as a nation? Voluntaryism may and has achieved much here and there in favoured localities, but when the ground ceases to be arable the Pastor and his house of prayer move on to some more available district. Voluntary Churches generally contrive to keep close in the foot-prints of wealth, so that when mercantile industry ebbs from a neighbourhood, the voluntaries soon discover its whereabouts, and turn their backs on those who, alas, have nothing to pay. We thus hear of voluntaryism working up places, but not often districts, and districts but not often countries. While on the other hand the State Church principle is the best, cheapest and surest plan for diffusing among a great people the comforts and blessings of Christianity.

Now, if we consider what a Church of any denomination whatever, when settled in any locality, professes to do—and of course as a nation is only an aggregate of districts, what applies to these is relevant to the entire country—we can discern at a glance, why voluntaryism must in a great measure fail. The two great functions for a Church in any given place are not unlike what is done in the Spring and Autumn by the husbandman, when in the one season he goes out to labour in tillage, and in the other reaps the fruit of his toil, and gathers it into barns. The

<sup>1</sup> Endowments are instances of voluntary effort within an Establishment.

Clergyman's work, therefore, is twofold, aggressive and preservative. The aggressive ministrations may be illustrated on a large scale in foreign missionary work. Now here voluntarism is comparatively of little use, because it could never be expected that the heathen would support the preachers sent out among them. But if ministers are not paid by those among whom they labour, this is to adopt the State Church principle, and abjure voluntarism. The voluntaries however, have regularly broken down in missionary enterprise, where the Church of England has succeeded. One, therefore, is fully prepared for a similar miscarriage on the part of voluntarism in the evangelization of this or that locality, because the work of every parish clergyman is more or less missionary. When we bear in mind the thousands upon thousands in our cities and rural districts, who either profess no religion at all, or if nominally Christian are overwhelmed by infidelity, ignorance and vice, we may well say that the Pastor who would carry the glad tidings of the Gospel to hovels swarming with human beings, morally and physically defiled, must do so as a missionary, by a door to door visitation, essentially aggressive. For visitation of this kind, that is of the ordinary parochial type, we assert that voluntarism is and has shown itself less valuable than the State Church plan, an assertion that equally applies to the other department of the clergyman's duty, which is preservative of acquisitions already made in the Lord's Vineyard.<sup>1</sup> The voluntary system then, from its nature, is incompetent to grapple with the problem of evangelizing a nation, and can but at the best, confine its energies to isolated localities, and even these it does not permanently inhabit only as funds are forthcoming. The failure of capital, however, infers that the place has become impoverished. The poor invariably crowd into the crevices vacated by the exodus to superior localities of the opulent, and the voluntary Church follows the rich, and leaves chill penury behind. The State Church has never done this, and from its constitution it never can do this, even supposing the Pastor to be the most careless shepherd that ever watched a flock; the clergyman of an Established Church may fawn on the

<sup>1</sup> This may fitly be regarded as the pastorate property so called.

wealthy while within the limits of his parish, but if they migrate into other quarters, the requirements of the parochial system prevent him though perhaps willing to pursue Plutus. Poverty, therefore, has a prescriptive claim on the minister's time and attention, while it drives away his brother of the voluntary Church. There is not at this moment in any parish of England, any individual, the most destitute pauper in the kingdom, who does not enjoy the privilege which the Queen could not take from him, of repairing to his parish Church and there taking up his place during the services of the National Church. Moreover, if sickness confines him or his family to his home, or worldly reverse makes him too sad to stir abroad, he can require the attendance of the parochial clergyman to wait upon him, either for purposes of Christian charity, or the all sustaining consolation, under sorrow or disease, derivable from prayer and the ordinances of the Church.

Bad as the migratory character of voluntaryism is, and which contrasts so unfavourably with the territorial principle of the Establishment, and bad as the practical operation must be on the minds of the masses, of miserable substitutes for churches, which too are abandoned as soon as the locality as regards money is exhausted, the effect of this system on the minister himself is still more deplorable. Where a plan of church management reduces itself into a mere business transaction, all the collaterals must correspond. The clergyman only must be appointed who will keep the sittings occupied with those who can pay for them, and as soon as he ceases to attract, his services must be dispensed with. But what good can come of a rule so narrow as to cut off the usefulness of more than three-fourths of those who enter the ministry? How many men are there not possessed of even average preaching power, and who could never make the ears of their congregations tingle with glittering rhetoric, who yet could be of incalculable service in other departments of the Pastorate of the Church.<sup>1</sup> But Dissent has never been strong in either schools or parochial development of any kind, as everything folds up into the single desideratum of congregationalism—the Sunday Sermon. Many other pastoral duties evaporate under

<sup>1</sup> For instance catechising the young, or house to house visitation.

the steam pressure of what must be achieved every seven days in the pulpit.

A minister who finds himself in a difficult situation of this kind, where he is a mere theological puppet whose strings are worked every way by his congregation, ought for his pains to be handsomely remunerated. Over and over again, however, we hear a cry raised concerning the poverty of those who serve in voluntary Churches,<sup>1</sup> where it is a natural concomitant of the system itself. The Dissenters glory in the poverty of the ministers: but the Church of England, not forgetful of the changes of our modern life and the ever-growing material exigencies of an advancing civilization, believes that it is not for the interests of religion that the ministers of the Church should be insufficiently paid. The folly of this has been exposed by Burke, who certainly was no friend of Ecclesiastical avarice or ambition. However, the Dissenters retort that poverty is one thing, and enormous revenues are another. But where are the enormous revenues? though there are some few positions in the Church of considerable emolument. Do not inequalities of income exist however, in all the learned professions, and do not they work well? For example, in the case of the universities: large salaries, by ensuring the employment of first-class professors, attract students of powerful minds to the cultivation of the principles of Science and the Arts. True, says the voluntaryist, but in religion a man's motive should not be filthy lucre. This is undeniable: and yet a small stipend, which would not tempt a man of high mental development or social status to enter the ministry, will just as much act as a bribe to a poorer and inferior candidate for Holy Orders. The voluntaries, therefore, as a general rule, are obliged to recruit their ministry from a rather depressed social level, the result being that their pastors are liable, or rather obliged, to labour under the twofold imperfection of poverty and deficient cultivation—the one making them less spiritual, and the other less adapted for being a teacher in these days.

Two questions, therefore, may be asked about voluntaryism

<sup>1</sup> Of course there are exceptions in the rich districts of large manufacturing towns.

first, whether it is able to furnish a sufficient supply of religious ministrations ; and secondly, whether the quality of such service be as good as that secured under the Church and State principle. The question as between quantity and quality is the prominent flaw that runs through the entire reasoning of the Voluntaryists. The test, therefore, so dogmatically relied on by the Dissenters as an unanswerable condemnation of the fixed principle, is really after all an uncertain, or rather a very untrue one. For instance : great stress is laid on the statement that in reference to the increase of population the Dissenters have far surpassed the Church of England in the number of buildings, and sittings in them for public worship ; though all consideration is omitted respecting the permanence and cost of their churches. The number of their churches so multiplied, it is said, within the last fifty years is appealed to as a proof of what voluntary effort can do. But let us not forget that to build a meeting house and a church, does not require by any means an equal expenditure. The whole sum contributed by private benevolent members of the Establishment to church building during the last seventy years has been close upon eight millions of money : to say nothing of sums expended on cathedral and parochial restorations. Now the edifices so erected are permanently attached to definite territorial limits, which of course involve in a case of the kind several advantages. But if we try to strike a balance between clergy and churches we find in England a very considerable excess of edifices over ministers, in the case of the Establishment ; but the reverse of this in the case of Dissent.

We direct attention to the United States of America where voluntaryism is universally adopted. We learn from authentic sources of the appalling spiritual destitution of entire settlements, where not only a small proportion of the population attend Divine Service at the Church of any religious denomination, but where the Bible itself may be said to be absolutely unknown. In the large cities and in the older states, even in the best of them—New England—there is to be found a vast amount of infidelity and vice. In four States alone, otherwise, very well circumstanced, it is computed that something over two millions of people are outside of the Church every Sunday, and go nowhere.

Nor are these isolated instances, inasmuch as, more or less, the same unhappy fact is realised everywhere in the United States; so that allowing for all that has been accomplished there by voluntaryism, there is an enormous outlying population for whom absolutely nothing has been done. Not only has there been an excess of churches over ministers, but one return shows that in an aggregate population of 27,000,000, some 4,400,000 only were professing Christians.<sup>1</sup>

However, there are certain objections to Church and State to which no satisfactory reply can be given; though here there are counteracting circumstances which neutralise what is confessedly hurtful in Religious Establishments, thus converting what is urged against existing relations between the Ecclesiastical and Civil power into an argument in favour of such a connection. Now looking into the reasons for and against, an Establishment, to take the lowest ground, must in the ultimate analysis resolve itself into a balance of advantages and disadvantages.

We maintain that the alleged disadvantages emanate from three different classes of objectors, namely, (1) The Dissenters; (2) Churchmen friendly to an Establishment; (3) Churchmen hostile to it. As regards the Dissenters we have already in detail investigated their reasoning against Church and State. Let those Churchmen who adhere to Church and State, and yet are dissatisfied with some of its details, bear with these for a time, relying on the wisdom and prudence of our rulers, secular and spiritual, that what has already been accomplished towards needful reforms may serve as an earnest of others yet to come. Those Churchmen who are hostile to an alliance between Civil and Ecclesiastical Government, assert that it is impossible if this union is persevered in that certain requisite changes in the Church can ever be carried into effect. Objections, however, were urged forty years ago respecting reforms which have since been adopted, while in the meanwhile Church and State interposes a salutary check on hasty, immature, or perhaps revolutionary changes.

<sup>1</sup> But even so the number of sects is quite prodigious: there are registered over a hundred different religious denominations,—but this must be under the mark.



That such reforms would probably make the National Church in a manner impregnable ought not just now be overlooked. It must readily occur to those who regard the present condition of parties within and without the Establishment, that to all appearances the political horizon looks threatening. What the probable issues will be is now being earnestly canvassed by thoughtful minds. If the Church is to remain in her present connection with the State, there must be carried out some needful reforms short of what would not destroy her apostolical organization as a branch of the Catholic Church. A remedy of this sort is regarded by some as rash, by others as sacrilegious, whilst some not without a conviction of the necessity of doing something would prefer to postpone the matter entirely.

Many, however, of the ablest Churchmen of our day are forcibly penetrated with the idea that something must be done in the direction of reform, if the Church is to preserve an influence over the Nation. A cardinal difficulty meets us at the threshold, namely, perplexity respecting the most efficient and least perilous method for initiating changes. A widely-diffused, though, probably erroneous impression prevails, that any process of reform would reduce the Church of England into a fragmentary state. Many overcome this fear by reflecting that out of temporary disorganization unity would spring. Still the question remains whether judicious reforms would be attended with the consequence of a total uprooting of old landmarks, and whether, if not, some attempt should not be made towards the removal of anything that does not work well. Every institution, so far as it involves elements of merely human growth, as Civilization advances requires recension and adaptation to altered circumstances of an age. It is well to bear this in mind as regards the Established Church in this country, and in fact to do everything calculated to avert what to all appearances would terminate as a national disaster—we mean the separation of Church and State in England.

Many a time in a nation's history, but more especially at present when such sharp lines are attempted to be drawn by public agitators between the upper and humbler ranks of the people, it is of the very last importance that nothing

should be done to interfere with a spirit of fellowship. Now the union of Church and State in England has been a sort of mediating principle between the higher and lower classes. There is nothing that teaches us more the community of our nature than Christianity, and nothing that impresses this truth more on the mind of a Nation than its union with the Church. The fact that men of all ranks meet together in public worship under the same roof, and mingle, with each other, their voices of prayer and praise, must tend more or less to overcome in the rich the pride of opulence or rank, as well as expel from the bosom of the indigent a crouching spirit. There is thus kindled among those whose lot it is to be poor that conscious dignity as rational and immortal creatures which would seem so often wanting in men of lowly station. The wealthy and aristocratic are thus constantly reminded of all their adventitious advantages; the needy and uneducated have their thoughts and hopes raised towards a world where earthly distinctions cease; while both, rich and poor, find in the Church a definite standard of religious instruction which points with no uncertainty of sound to that one path by which heaven can be reached.

One injurious result of any divorce between the upper and lower classes would be the pretext it would afford for an attack upon the Peerage. Opinions are now broached as regards the implied inutility of the House of Lords as an element in the Legislature. Advanced political agitators dislike and deride the privileges of the Ancestral Chamber. Now so far as a separation of Church and State would be co-extensive with an attack on the rights of property, so far would it expose the Patrician order in England to open aggression, because it is historically certain that first members of the House of Lords sat by tenure of their landed possessions. But it must be admitted that any such injustice would be most hurtful to the Nation, because the House of Lords has been always an important and ostensive factor in the Legislature. The Upper House has, likewise, invariably evinced less susceptibility than the Commons for being swayed by cabals—outside doors. Storms of political feeling that have agitated

the Lower have failed to disturb the equilibrium of the Upper House. The House of Commons is said to be the Representative Council of the nation, and, therefore, the true source of legislation. Now in an elective sense certainly the Lower House is strictly representative, but not so as to exclude the House of Lords, which is quite qualified for understanding and giving expression to the emotions and instincts of the great body of the people. The House of Peers has never shown itself unequal to the task of legislation, but has often originated wise and salutary laws.

The Upper House invariably displays all the requisites for a Legislative Assembly of superior working power. Though elevated in rank the Peers of England have no privileges that isolate them from the interests and welfare of their fellow subjects; but as an element of society can be traced up to the very beginning of anything like a British Constitution.

Again: the preservation of a body of doctrine and, in general, a standard of unity in religious thought has been a resultant of Church and State in England. The entire history of Nonconformity, which swarms with diversities of of theological opinion, is a pregnant commentary on this fact. The very best of the Dissenters have not escaped this stone of stumbling. Methodism, for instance, almost from its birth became rent asunder by violent schism not only from without but from within. We are aware that one of the reasons for destroying the, as alleged, artificial harmony of the Church of England is in order to make religion unsectarian. What really unsectarian religion is we are at a loss to understand, except that it practically amounts to often indifference upon all doctrine. The existing relations between the Civil and Ecclesiastical power have had a large share, if not in the formation, yet in the maintenance of religious unity; and therefore by overturning the State Church we at once let loose on England the demon of theological discord. It is quite evident that the only mode in which the Church can be preserved is by the cohesive power of either internal unity or external support. There is an external influence of compression in the Establish-

ment, which, if withdrawn, would plunge the Church into the necessity of preserving her position by only one of these conditions of vitality, namely, doctrinal unity; and would in time destroy this doctrinal unity itself. In days like ours old faiths are being rooted up, and dogmatic theology made to run the gauntlet of European criticism; one, therefore, must be deeply apprehensive of innovations in doctrines, much less of any revolution, which would give an impetus and vantage ground to modern Free Thought.

The Establishment is taunted with making the State a prop for a fossilized system of Dogmatism in theology, but manifestly does not deserve the sneer. However, even supposing that a State Church did no more than lend support of whatever kind or origin to precise thinking in religion, such a service should not be lightly estimated, more especially in reference to the tendencies of our day.

The Establishment presents in her unity of religious *Credenda* some protection against Free Thought. Any one who has studied the history of the Church, or indeed of civilization, knows well that the older the world grows the greater the intensity of criticism. This fact involves another, namely, that modern is merely the reproduction in a concentrated form of anterior error, at least in the Church. This dethrones writers who in our day parade their paradoxes, only tricked out with a little more tinsel and foil than earlier authors had at command, but forgetful that their juggle of words—intellectual legerdemaine—had been more than once authoritatively exposed by the Church. The Church of England has hitherto been the sacred *depositum* of Apostolical and Catholic Truths, but as such, would be very materially impaired by Disestablishment. The Church of course, as a Divine Society, has received from her Risen Lord that which in herself makes her competent to grapple with religious error as well as apprehend the truth. The Divine Life of the Church, and her faculty of spiritual discernment, forbid us to be fearful regarding her capacity for coping with Heresy. It may not however be the less true that relatively to the world in which the Church is, and to the secular aspect of the philosophy that scowls on Christianity, there is in dealing with error a sustaining force, albeit a temporal one, furnished to the Church by alliance with the Civil Government.

From what has been stated in this work respecting the historical and constitutional claims of the Church in this country, and the auxiliary she has been to the Civil power in National development, and from the proved utility of an Establishment in England, an apparently solid argument can be drawn on the one hand against a severance of the union between Religion and the State, and on the other from, in all probability, the fatal effects of any such change. This important question is not discussed here ; but we venture to think that we have laid before the reader materials for arriving at those correct conclusions which it will be found repose on special tendencies of English character.

One particular phase in the National character has struck every observer—we mean the Englishman's love of liberty, as such. In consequence of this impulse which lies so deeply embedded in the heart of every true-born Englishman, we find throughout the whole of our National History a persistent aversion shown towards the attempted tyranny and exactions of the Roman See. We have proved what a tower of strength the union of Church and State has been to England, as a barrier against the usurped jurisdiction of the Pope over the National Church. If, however, we incautiously dissolve the existing connection between the Civil and Ecclesiastical power in England we deliberately open the flood gates and let in such a torrent of sacerdotal pretension of the worst type, that it is questionable whether the Anglican would not ultimately become absorbed into the Papal Church, as the plan cherished by Roman Catholicism now is that it should. The overthrow of the Establishment would be so far a violence done to the National character, and in the removal of such powerful leverage as Church and State has been to the Englishman for the resistance of spiritual depotism, his inherent love of freedom must, in a great measure, be overwhelmed or quenched by its being deprived of much support for its operations as a National sentiment.

But again, although an Englishman has no reason to plead guilty to that overweening conceit which is charged upon him by foreigners, yet we must own that he is very much wrapped up in self. The "Ego" with an Englishman seems certainly to be the

pivot of our entire National development and the moral root of our different institutions. His practical conclusion arising from a perhaps over-complacent contemplation of self, is that in sight of an Englishman there is no such thing as defeat, and that therefore in any venerable estate of the Realm he reposes the unbounded confidence inseparable from what he believes to be imperishable greatness. With this bias of character all at once one of the oldest institutions of the Realm is struck down before his eyes; we say that such a catastrophe must instantly dethrone the Englishman from his pedestal and fill him respecting the greatness of England with scepticism that must seriously injure the self-respect on which the National character reposes. Again, we know that from mercantile habits an Englishman comes to believe that where a good article is wanted and can be procured, no pecuniary sacrifice should be avoided that would purchase such a commodity. Now the History of England evinces that the Nation believed both before the Reformation and after it that such an arrangement as we call a Religious Establishment was advantageous, and they showed that they would not allow pecuniary considerations—quite the reverse—to stand in the way of such an institution. If, therefore, we overturn the Establishment, what a rude blow is administered to National feeling. In such a case it is impossible but that the practical logic with the people will be this:—if what cost so much and was so long upheld by the liberality of the Nation was unable to stand its ground in the day of reckoning, it was not worth all the gifts so profusely lavished upon it. Now such a conclusion however inconsequent, would not by any means be the worst notion that could enter the minds of the people; there would be another, namely this:—the weakness and inability of Christianity itself more particularly as an instrument for the preservation of public tranquility and moral virtue in the masses.

Again, there is another quality of the National character which must be interfered with by an overthrow of the Establishment, we mean that trait in our British Constitution—the division of labour. This principle which constitutes a strongly marked disposition in the Saxon Race,—and a National Church is one of its outgoings—is engraved into the British character

and there fortified by Education in all its branches. The most complete exemplification of the division of labour in England is the British Constitution itself, which is built on such an exquisite balance of power, and of particular duties devolving on particular classes and officials arising therefrom, as after all is the true basis as well as bulwark of National Freedom. We do not find as, a general rule, universal minds among Englishmen, but we do discover a vast amount of special talent, and it is this fact that instinctively tells an Englishman that if religion is to prosper there must be a certain institution of the Realm whose special function only will be to attend to the concerns of the Church in reference to the Nation. Now an overthrow of the Establishment will read to the ordinary Englishman very much like a denial of the principle which has been the very life blood of his whole active being, and can this lead to anything but a paralysis of national energy and methodical industry?

Once more and lastly, amid all the political contests that have swept over England, and all the wars that, from time to time, have mown down the flower of our youth, the Englishman has fled from the agitation of such trials into the shelter of HOME. Home holds the place of honorable pre-eminence amongst us, while its virtues have imparted such touches of beauty and softness to British life, as mitigate the roughness of the National character. It is certain that the connection between the Civil and Ecclesiastical power in England has exerted a most humanizing influence over this trait of our National character. The Parochial system, for example, accurately corresponds with the Englishman's love of Home; nay more than this, Religion, as publicly acknowledged by the State has sown under the sterner forms of the National character this inner attachment for domestic life. The Church by connection with Civil Government has so far reacted on our social fabric as to plant religious services and their concomitant duties, themselves so corroborant of the highest type of human character—into every homestead in the land. The overthrow of Church and State must violently wrench our National character in one of its tenderest points, and by setting awry some of our holiest and most cherished aspirations, entail upon the people of England, as a Home-loving race and ardent

admirers of family life, an amount of damage that must be simply irreparable.

Leaving others to dilate upon the disastrous results of an overthrow of Church and State in this country, we ask, as a practical deduction from the foregoing reasoning and investigation, whether the English people realise what the institution is, and what are its title deeds, which they are asked to abolish, and what its working has been since its foundation? The Church of England, the rightful Church of this island, has struck her roots into the core of the nation. From the moment the Gospel of Jesus Christ echoed the sweet note of divine mercy in Britain, the germs were laid of the Church's connection with the Civil Government. In the lapse of centuries and amongst the extended spheres opened up for the Church in virtue of relations with the State, the influence of their joint operation has penetrated into every crevice of English life. This great Church of England in the progress of her development as a national institution, has come into the most beneficial intercourse with the Throne, the Universities, the Legislature, the administrative and executive departments of Government, and with the entire body of British jurisprudence. The Church of England from time immemorial has found an habitation everywhere amongst us, so that this moment there is not a city, town, village, or rural district where she has not become localised, and coiled herself around the customs, traditions, sympathies, associations, and language of the people. The Church of England is grappling with error, ignorance, and crime, pushing her way gently but authoritatively into festering masses of infidelity and unconcealed impurity of morals. Undismayed by such misery and desolation, the Church diffuses the comforts of religion through the length and breadth of England. Never, we believe, has the Spirit of God shed His bright beams more visibly or brilliantly over the Church of England than at present. The removal of an institution such as this would probably inflict a wound on British Society which would never be closed. The Church of England must in such a case be supplanted by pretenders, while uniformity of doctrine would be annihilated by the multiformity of schism, and by contempt for all precise thinking in religion. No champion would be forthcoming to dispute the right of pas-



sage with modern Free Thought; no amicable and fruitful co-operation would exist between Christianity and Government; there would be no system of parochial distribution, securing the requisites of the Church to all; and no accredited messenger from the State, at the same time an ambassador from heaven, whose mission must hallow the Commonwealth in the eyes of the people.

All points considered, it would be decided temerity to withdraw pecuniary support invested with all the prestige and protection of the Crown from religion, and thus accept the sophism that in matters pertaining to the Church demand should regulate supply. It certainly ought not to be left dependent on the caprice of men who by nature are disinclined to go in search of Christianity, or bear its severities and restraints, as to whether the Church is to have a position among us, and be recognised by the realm. This is not the rule which guides the country in other departments far less important; and is not an analogy between these and the circumstances under which the National Church exists amongst us perfectly allowable? Now we afford the stimulus and fostering care of the State to elicit the public utility of art, science, and education; and should we withdraw support from that Institution which overtops all these in scope and ameliorative power? For every million of money which would thus be inequitably snatched from the sanctuary, for every piece purloined of the gold of the Altar, treble the sum, or perhaps more, must be provided for additional Secular appliances, to ensure that moral well-being of the people which Church and State, year by year, left ready at hand. In other respects the confiscation of Ecclesiastical endowments would be a violation of the rights of property, from the effects of which it is hard to see how England could recover.

But whether such anticipations be true or false, the author ventures to hope that what has been written in the foregoing pages, proves that the Church of England ought to be honoured for her cause, for the dignity of her origin, for the Catholic and Apostolic principles she enshrines in her creeds and formularies, and for the stand she takes against infidelity and schism. The good old Church of England has rescued us from superstition and the unreasonable claims of Rome; has nurtured and developed

the intellect and moral sense of the nation; has encouraged the poor man to rise in the social scale: thus not only creating much of our public spirit, but consecrating the State, and reflecting a lustre not their own on those Civil institutions with which the Church is so closely intertwined.

## APPENDIX.

THE relations between the Civil and Ecclesiastical power in England which constitute the Establishment, have afforded both leverage and materials for legislation, not only preservative of the Catholicity and Nationality of the Church of England, but in other respects constructive of popular freedom at home, and all independence on foreign jurisdiction. This powerful influence for good has been recorded in the Statute Book of Parliament. We subjoin first a short analytical digest of legislation of this kind, and secondly some of the more remarkable Acts of Parliament in detail.<sup>1</sup>

## I.

## MAGNA CHARTER.

*Confirmed.*

9 Henry III., c. 1, (Church of England to be free), and c. 37. 25 Edward I., c. 1, (all judgments against the Charter void, the Charter itself to be read in Cathedrals twice a year). 28 Edward I. 14 Edward III. (also 25 and 50). 1—12 Richard II. and several times during Henry IV.

*Persons of the Clergy.*

We find immunities of this kind legally existing as early as Edmund's reign, which were followed up by 52 Henry III., c. 10.

<sup>1</sup> Some of these Acts of course have been long since repealed or superseded, while the chronology of legislation as given on different digests does not accurately correspond. However, all these Acts of Parliament have been passed in or about the dates assigned in this Appendix.

13 Edward I. 9 Edward II. 50 Edward III., c. 5. 1 Richard II., c. 15. 28 Henry VIII., c. 1. 32 Henry VIII., c. 3. These immunities were mostly sustainable by the Common Law.

*Immunities restricting Estates and Interests.*

9 Henry III., c. 14. Statute of Kenilworth. 52 Henry III. Edward II. Edward III. 1 and 2 Philip and Mary, c. 15. Confirmed also by the Common Law. These privileges were not permitted to develop into license or tyranny, as may be seen in the early effort to abridge Ecclesiastical power; for which consult Lord Coke on Prohibitions.

*Clerical rights as regards Revenue.*

1, 14 and 15, Edward III. 1 Elizabeth, c. 19, (inalienable) statute in the reign of Stephen, also 13 Edward I., c. 24 and 41.

*Tithes.*

33 Edward I. (Robert Winchelsey), Edward II., Edward III. 2 Henry IV., c. 4. Henry VIII., and Edward VI.

CHURCH AND STATE.

*Provisors and Papal Citations.*

25 Edward III., Statute 5, c. 22. 5 Elizabeth, c. 1, (Præmunire for suing in a foreign land). 27 Edward III., c. 1. 38 Edward III., c. 12. Richard II., c. 15. 13 Richard II., c. 2 and 3. 16 Richard II., c. 5. 2 Henry IV., c. 3. 6 and 7 Henry IV. 9 Henry IV. 3 Henry V. 22 and 35 Henry VIII. (Purchasing benefices by aliens). 3 Richard II., c. 3. 7 Richard II., c. 12. 5 Henry IV., c. 2. 1 Henry V., c. 7, (Appeals to Rome). 24 Henry VIII., c. 12. 25 Henry VIII., c. 19. 1 Elizabeth c. 1, (Annates). 23 Henry VIII. 25 Henry VIII., c. 21. (Peter's Pence and Papal Dispensation abrogated). 28 Henry VIII., c. 16.

*Bishops of the Church.*

We find in Stephen's reign the Bishop's vow at Consecration ordered to be read to the Church twice every year; while Consecration was legally defined so early as 25 Edward III., (against provisors), the fees (after Consecration), being settled earlier still, 13 Edward I., c. 21. Richard II., c. 5. (Homage of Episcopal order to the King).

*Clergy, e.g., Bishops in Parliament.*

25 Edward III., Statute 3, c. 6. 11 Richard II., c. 3. 16 Charles I. 13 Charles II. (The closeness of relation between the Civil and Ecclesiastical Government is illustrated in the twofold claim of the Bishops to seats in the House of Peers as Baronial and Spiritual.)

*Endowments.*

18 Edward I. (*Quia Emptores terrarum*). 9 Henry III., c. 36. (Against Mortmain). 7 Edward I. 13 Edward I., c. 32, 33. 18 Edward I., c. 3. 27 Edward I., Section 2. 18 Edward III. 15 Richard II., c. 5. 23 Henry VIII., c. 10. (against Chauntries.)

*Heresy.*

5 Richard II., c. 5. 2 Henry IV., c. 15. 2 Henry V., c. 7. 28 Henry VIII., c. 14. 31 Henry VIII., c. 14. 32 Henry VIII. (very circumstantial). 35 Henry, VIII., c. 1. 35 Henry VIII., c. 5, (See Articles), also 13, 14, Charles II. 29 Charles II., c. 29. 9, 10, William III., c. 32.

*Nonconformity.*

Papal authority abolished 25 Henry VIII., c. 32. 26 Henry VIII., c. 2. (Supremacy). 26 Henry VIII., c. 1. 28 Henry VIII., c. 10. 1 Edward VI., c. 12. 1 Elizabeth, c. 1, 2. 5 Elizabeth, c. 1. 13 Elizabeth, c. 2. (very explicit). 23 Elizabeth, c. 1. 27 Elizabeth, c. 2. 28 Elizabeth, c. 6. 3 James I., c. 4. 13 Charles II., (Statute 2), c. 1. 16 Charles II., c. 4, (very explicit). 22 Charles II., c. 1, (very explicit). 27 Charles II., c. 2.

## II.

PARLIAMENT of the Norman and subsequent periods takes up, more especially in regard of the connexion between the Civil and Ecclesiastical power in England, the threads, as it were, of previous legislation. For instance, one of the prominent clauses of *Magna Charta* was that the Church should be free. Now a not very correct view is generally given of this; when it is said to mean that the Church should be a power in the State unshackled by the secular arm—an *Imperium in Imperio*. We take it—and as a confirmation of this view, we refer to the Constitutions of Clarendon, (Henry II., A.D. 1164,)—that the Charter means that the substantial freedom practically realised hitherto for the Church, that is, a freedom not inconsistent with the equilibrium of power between other estates of the kingdom, should be kept inviolate. There was clearly a sense of this sort of limitation; for we find in the famous Statute of Merton (20 Henry III., c. 9., A.D. 1235), that when the bishops pressed their own view of a particular provision, under discussion by the great Council of the Nation, the barons replied that *nolumus leges Angliæ mutare*, “we do not wish to alter the laws of England,” and that, too, in the face of the Episcopal declaration, that what they contended for had been always the view of the Church. This bears testimony to the early and continued determination evinced by the realm from the most remote times so to temper the exercise of Church authority by an admixture with a secular element as would prevent or neutralise that Ecclesiasticism, which is found to be so inimical to the best interests of Religion in any country. The germs of legislation for Church and State lie in MAGNA CHARTA, with its frequent confirmations, as well as in the forerunner of the Charter itself, namely, the Constitutions of Clarendon. In the latter enactments we have a very ancient and, at the same time, positive effort to abridge, as an usurpation, the power of the Roman See over England.

These Statutes afford ample indications of the realization amongst us of what we now term Church and State. It should also not be forgotten that the enactments were drawn up and passed with the advice of the bishops, a fact which specifically proves that the kings of England were able to preserve the liberties of the realm as well prevent the tyranny of Ecclesiasticism by existing relations between Church and Crown. For instance, the presence of bishops and mitred abbots (at one period a third of the House of Peers) in the ancestral Chamber involved a vast power in the Legislature. The Statutes to which we are about to advert are those of (1) MORTMAIN, (2) PROVISORS, and (3) PRÆMUNIRE.

The recoil against a disturbance of the balance of power between the Church and the Crown, involved in the acquisition by religious houses of excessive territorial property, is evident in the Statute of Mortmain. The ostensive reason for legal interference was that lands and tenements were enabled to escape certain fees and dues inseparable from all heritable estates, by being left to the Church for pious uses, and thus held for ever as against the chief lord or king by "a dead hand" (*mortua manu* (*Fr.*) *mort main*). The aim of the Sovereign was not at first reached; and it constitutes a most instructive chapter in our constitutional history thus to witness the persistency with which the English kings had successive Acts of Parliament passed by which the ingenuity of the clergy in evading the first law of Mortmain might be rendered abortive. The Statute of Mortmain was passed in the seventh year of Edward I., and bears the well-known title of *Statutum de Religiosis Viris*. It is a development of the fundamental principles of English law as moulded by Feudalism, and in this particular instance embodied in MAGNA CHARTA. The recital of this memorable Statute is to the effect that as, of late, it had been provided that religious men should not enter into the fees of any without license and will of the chief lord, of whom such fees be holden immediately, and as this enactment was systematically violated, that for the future any alienation by Mortmain was made at the pain of forfeiture either to the lords of the soil or, failing them, to the

**Sovereign.** The intent and operation of this Act of the Legislature is perhaps more clearly defined in the 15 Richard II., chapter 5, where we have the provisions of the Statute declared to be relevant not only to "religious," but to any persons whatsoever, so that one clause applies them to Corporations and Guilds. This act strongly illustrates the indomitable strictness which the Secular power exercised in this attempted limitation, within constitutional bounds, of the Church, by the fact that the 15 Richard II., c. 5, declares that the converting land into a churchyard for the purpose of parochial interments is an invasion of the Law of Mortmain. This law came before the Legislature in other years of Edward I., as also during the reigns of Edward III., Henry VIII., Elizabeth, James I., William III. and Anne; nor is its essential feature as yet effaced from the Statute Book of the Realm. But even supposing that the Law of Mortmain lived only up to the period of the Reformation, it would not be the less a plain sign of that gradual construction of the Commonwealth which was so steadily pursued at times of imagined confusion and lawlessness. It was, therefore, by virtue of the leverage thus afforded that these relations between the Ecclesiastical and Civil Government subsequently shaped themselves into what we call Church and State.

But if the Statute of Mortmain is a sort of recoil against an undue growth in the power of the Church, such as is called Ecclesiasticism, we are now about to mention an enactment which was a throe of liberty against the invasion of the nationality of the Church by the Papacy. We allude to the Statute of Provisions and its offshot, that of Præmunire. In order fully to appreciate the intention of the Statute of Provision, it may be necessary to explain that these laws were passed in order to put an end to the practice, on the part of the Bishop of a foreign See, of providing clergymen, generally Italians, for dioceses and benefices before they were vacant. The statute, or rather statutes in question, therefore, derived their origin from exorbitant power claimed and exercised in England by the Pope in contempt of that paramount authority which belonged to the king alone in his own realm, long before the Reformation, However, the Church of Rome, in



keeping with her untenable claim of an universal Bishopric, took on her to bestow most of the Ecclesiastical livings of any worth in England by mandates before any voidance. Such documents were conveyed in Bulls, and obtained the technical title of *Provisiones* or *Gratias Expectative*, which became a source of considerable revenue to the Holy See, and which, being multiplied, called for the active interference of law. The first statute against Provisions was so early as the 35th of Edward I., St. 1, which Coke considers as the foundation of all subsequent legislation on the subject. The drift of this enactment was to forbid impositions on the religious houses by their superiors, and the consequent transmission, in virtue of taxation by aliens, of moneys raised in this way to Ecclesiastics beyond the seas. The same offence is dealt with in the reign of Edward III., and with astonishing exactitude. Thus it was enacted that if any one purchased a Provision of an Abbey or Priory he should lose the king's protection; that the Court of Rome should not present or collate to any Bishopric or living in England; and that whoever disturbed any patron in the presentation to a benefice by virtue of a Papal Provision, such should be fined or imprisoned: a similar penalty being inflicted on every one who should cite the king or any of his subjects to answer in the Court of Rome. Such protective measures were still more carefully adopted in the reign of Richard II., when the statute called *Præmunire* (16 Richard II., c. 5) was passed. By 3 Richard II., c. 3, and 7 Richard II., c. 12, it was ordained, that no alien should be permitted to escape residence by farming out his benefice to others, and that no foreigner should be capable of presentation to a living under the penalty of the statute of Provisions. In the twelfth and thirteenth years of Richard II., additional precautions were adopted, so that all liegemen of the king accepting a benefice by foreign Provision were placed out of the Sovereign's protection, and the living declared void, with other penal consequences; and that any person bringing over any citation or excommunication from beyond the sea, on account of the execution of the foregoing statutes of Provisions, should be imprisoned, forfeit his land and goods, and moreover suffer pain of life and member. In 13 Richard II., Stat. 2, we have the Roman usurpation

dealt with most minutely and methodically. It is called the Statute of Provisions, and commences with a specification of the operation of previous legislation, *e.g.*, 35 Edward I., and 25 Edward III. By such legal provisions the 13 Richard II., Stat. 2, states that the king "did ordain and establish that the free elections of archbishoprics, bishoprics and all other dignities and benefices elective in England, should hold from thenceforth in the manner as they were granted by his progenitors, and by the ancestors of the other lords and founders; and that all prelates and other people of Holy Church, who had advowsons of any benefices of the gift of the king, or of his progenitors, or of other lords and donors, should freely have their collations and presentments." The infliction of the penalty for any infringement of such rights is alluded to, and then the following words of the Act summarise legislation, thus:—"Whereas the Holy Church was founded in the estate of prelacy within the realm of England, by the said grandfather (Edward I.) and his progenitors, and the earls, barons, and other nobles of his said realm, and their ancestors, to inform them and the people of the law of God, and to make hospitalities, alms, and other works of charity in the places where the Churches were founded, for the souls of the founders, their heirs, and all Christians, and certain possessions, as well as in fees, lands, rents, and in advowsons, which do extend to great value, were assigned by the founders to the prelates and other people of Holy Church of the said realm to sustain the same charge. . . . The same kings, earls, barons, and other nobles, as lords and advowees, have had, and ought to have the custody of such voidances and the presentments and collations of the benefices, being of such prelacies. . . . The Pope of Rome accroaching to him the seignories of such possessions and benefices, doth give and grant the same benefices to aliens, which did never dwell in England, and to cardinals which might not dwell here, and to others as well as aliens as denizens, as if he had been patron or advowee of the said dignities and benefices, as he was not of right by the law of England, whereby if they should be suffered there should scarcely be any benefice within a short time in the said realm, but that it should be in the hands of aliens and denizens, by virtue of such provisions against the good

will and disposition of the founders of the same benefices. And so the elections of archbishops, bishops, and other *religiosi viri*, should fail, and the alms, hospitalities, and other works of charity which should be done in the said places should be withdrawn. The said sovereign and other lay patrons, in the time of such voidances should lose their presentments, the said council should perish, and goods without number should be carried out of the realm, in adnullation of the estate of the holy Church of England." We have a further recital of previous legislation (35 Edward I.) showing that the Pope in detriment to the advowry of people of Holy Church had been in the habit of disposing of archbishoprics, bishoprics, abbeys, priories, and benefices, and reserving the first fruits for himself, so that "a great part of the treasure of the said realm is carried away and dispended out of the realm by the purchasers of such graces," and by other means. The Act recites next the causes and reasons why the statute itself (13 Richard II., Stat. 2) was made, viz., because of the obligations of preceding laws, and the complaints of the kingdom, and then makes provisions to the effect that the free elections of archbishops, etc., "should hold from henceforth as in the manner they were granted . . . . and that all prelates and other people of Holy Church which have advowsons . . . . should have their collations and presentments freely to the same." The statute then provides that where the Pope maketh a provision to a dignity of the Church or a religious house, or a benefice of the advowson of the clergy, the king shall present, and that failing the exercise of their right by the proper patrons, the right itself should lapse to the king. We may form some idea how thoroughly in earnest the Parliament and king were in their resistance of aggression, by the severity of the penalties ordered for a violation of the Statute of Provisions, namely, imprisonment on conviction, surety against future attempts, and under certain conditions, enumerated a process of outlawry. It is also provided that if any should accept a benefice contrary to the statute he should be banished from the realm. However, we believe that the most significant clauses in this remarkable statute are those levelled against the practice of appeals to Rome.

But probably one of the most circumstantial arguments in

favour of the ancient liberties of the Church and Realm of England is embodied in the judicial decision of Sir Edward Coke, as given in the well-known Fifth Report. (See Hargrave's *State Trials*, vol. xi.) It arose out of a case against Lalor, a Papal emissary, and the indictment was drawn up against him in accordance with primitive statutes, for the purpose of showing that the denial of the Pope's Supremacy over England was so far from being a novelty that it was the old law of the kingdom. Sir Edward Coke in the judgment referred to, observes: "For, albeit the kings of England were absolute emperors within their dominions: and had under them as learned a prelacy and clergy, as valiant and prudent a nobility, as free and wealthy a commonalty, as any was then in Christendom; yet if we look into the stories and records of these two imperial kingdoms, we shall find that if these laws of Provision and Præmunire had not been made, they had lost the name of imperial and of kingdoms too: and had been long since made tributary to the Bishop of Rome, or rather part of St. Peter's patrimony or demesne. Our kings had had their sceptres wrested out of their hands, their crowns spurned off from their heads, their necks trod upon. They had been made lacquies or footmen to the Bishop of Rome—as some of the emperors and French kings were; our prelates had been made his chaplains and clerks, our nobility his vassals and servants, our commons his slaves and villains, if these acts of manumission had not freed them." In this judgment Sir Edward Coke alludes to the causes of this anti-papal legislation as being that the King was deprived of the jurisdiction belonging of right to the Crown. That he was loosing the service and council of his prelates and learned men by translations made by the Bishop of Rome; that the Royal statutes were being defeated by foreign interference, and the treasure of the nation exhausted by the drain on the English Exchequer from Rome. Sir Edward Coke, grounding his opinion on the statutes of Edward I. and Edward III. already given—themselves only realising previous regulations and the very spirit of the Constitution itself—asks was King Henry VIII. the first prince that opposed the Pope's usurped authority; and were our Protestants the first subjects that ever

complained of the Church of Rome? Bishop Bilson sums up the cause of the National Church in these remarkable words: "As for the Bishop of Rome's patriarchate, by God's law he *hath* none: in this realm for six hundred years after Christ he *had* none: for the last six hundred years, looking after greater matters, he *would* have none: above or against the Prince's sword he *can* have none: to the subversion of the faith, or oppression of his brethren, he *ought* to have none: you must seek further for subjection to his tribunal, this land oweth him none." (Bishop Bilson's *Christian Subjection*, part ii., p. 321.)

### III.

The Statutes respecting heresy, which agree closest to the views and practice of the Papacy, were enacted when the Bishop of Rome had the greatest power over the National Church of England. It seems almost certain that up to the beginning of the 15th century, when the Statute *De Comburendo Hæretico* was enacted, the authorities of England dealt with heresy by Ecclesiastical censures, and where punishment was inflicted made it a penalty of violation of the Civil Law.

The bishops, however, acting through their own Courts, got the punishment of heretics into their own hand, and out of secular control. This usurpation they were able to achieve under shelter of the Canon Law, which about the beginning of the 9th century the Church of Rome was able to enthrone above the Imperial code. However though, for example in France, several persons prior to the 13th century were punished *in pluribus locis* by death as heretics, we have no example of the kind in England until the early part of 1200. During the lapse of this century we have but one instance, in the next but two, and in the beginning of the 15th century occurs the case of William Sautre who suffered under the *De Comburendo* statute of Henry IV. The other burnings alluded to were carried out not under any Statute of Parliament, but the Common Law, and seem to have been the penalty of an invasion of public order. At all events, the first Parliamentary Statute in reference to heresy namely, 5 Richard II., c. 5, is evidently intended merely

to preserve the tranquility of the realm and not to punish men for their opinions. The provisions of this Act do not encroach upon liberty of conscience. The next Statute, 2 Henry IV., c. 15, is entitled, "An Act touching Heresies," its date being A.D. 1400, the year when Sautre was burned. This Statute bears the finger of Rome in every clause, being essentially un-English in every line, and explicitly proves our position in reference to the independence and nationality of the Church of England. Not only does this Statute array the bishops with that sole jurisdiction which heretofore they never had in England, and probably never will have as long as the letter and spirit of British Law remains as it is, but it introduced a new touchstone of public justice amongst us, namely, canonical decrees. Alleged heresy was to be tried not by the Scriptures, nor by catholic truth and discipline, but by the canons and decrees of the Church of Rome—a most pliable body of jurisprudence, enacted and administered by archbishops and bishops subject to the Papal See. The next Statute, "An Act for the Reformation of Lollardy," runs parallel with that of the 5 Richard II., c. 5, in dealing with heresy as an invasion of public order, and punishing it as sedition. The Statute of Henry IV. was repealed by 25 Henry VIII., c. 14, which is remarkable, as it assigns the provisions of the Statute *De Comburendo Hæritico*, to the "suggestion" of the clergy. Henry VIII. abridges the power allowed to the bishop under Henry IV. and thus advances towards a complete abolition of the jurisdiction of Rome over England, or rather a declaration that it never was the law of England to acknowledge the authority of the Roman See.

The utmost that can be said is that the Sovereign granted the Pope a coercive jurisdiction, which was sadly abused by the Roman See, and that Henry VIII. acted on the principle that what the Crown gave under Henry IV. it afterwards took away in defence of the threatened liberties of England. The three Statutes up to Henry VIIIth's reign were revived by Queen Mary, and with it began the reign of terror, when Cranmer and other martyrs died at the stake. On the accession of Elizabeth Parliament struck at the real root of the evil by abrogating the jurisdiction over England, which the Bishop of Rome had gotten in trust from English Sovereigns, and which he had misemployed.

These Statutes were wiped away by 29 Charles II., c. 9, so that as Bishop Gibson remarks the cognisance of heresy and the punishment of heretics returned into its ancient channel and bounds. We therefore owe the Church of England a debt of gratitude, that she has brought back the treatment of heretics after so much fire and blood, to the apostolic rule of spiritual censures only.

#### IV.

In post-reformational legislation we have, on the one hand, the same evidence of a closely compacted alliance between the Civil and Ecclesiastical power, and, on the other, of the determination of Parliament and the Sovereign to preserve the independence and nationality of the Church of England against the aggression of foreign usurpation. The two most prominent aims in Henry VIIIth's reign were to define the paramount authority of the king, and to lop off everything that gave the See of Rome power over the Church of England. In these laws we have summarily dealt with the questions, for instance, of extortion and oppressions of the Court of Rome by receipt of Annates, or first fruits of bishoprics—how bishops who are denied bulls at Rome may be consecrated in England. The election of bishops is fixed as we have it by deans and chapters on the nomination of the Sovereign, and statutable directions are issued as regards the mode of consecrating to the Episcopal order, the grievances by exactions and dispensations from the Court of Rome are legislatively provided for, and the independence of the Church of England upon all foreign interference whatsoever is unhesitatingly affirmed. No Peters pence or pensions are in future to be paid to the bishop or See of Rome, nor is the king nor any of his subjects to sue to Rome for any dispensation or license which henceforward is handed over to the Archbishop of Canterbury who still retains it. A number of other matters, arising out of the foregoing, are provided for in post-reformational legislation, the spirit of which is expressed in one of the statutes thus: "To decline or vary from the congregation of Christ's Church in any things concerning

the very articles of the Catholic Faith of Christendom, or in any other things declared by Holy Scripture and the Word of God necessary for your and their salvations; but only to make an ordinance by policies necessary and convenient to repress vice and for good conservation of this realm in peace, amity and tranquility. . . . At the hand of your Highness your heirs and successors, kings of this realm which have and ought to have an imperial power and authority in the same." One of the most important statutes ever passed regarding the Establishment in England has been that of the Royal Supremacy in the first year of Queen Elizabeth, who softened somewhat the wording of the statute defining her prerogative regarding the Church as compared with Henry VIIIth's Act. Elizabeth's statute recites previous enactments in Henry VIIIth's reign, and revives some which had been disused in Mary's, thereby abolishing all foreign jurisdiction, uniting all spiritual jurisdiction with the Crown, and enjoining the oath of Supremacy of the Crown to be taken by archbishops, bishops, judges, and all ministers and officers spiritual and temporal. This Act is immediately followed by the statute of uniformity, its title being, "An Act for the Uniformity of Common Prayer and Divine Service in the Church and the Administration of the Sacraments." In this statute the Book of Common Prayer (authorised 5 and 6 Edward VI., c. i., and repealed 1 Mary, St. 2, c. 2), is made the manual of public worship for the Church of England, and the clergy are ordered on penalties to perform Divine Service according to this Book, and the archbishops, etc. are required to enforce the Act, and empowered to do so with spiritual censures. This Act may be said to have settled the foundations of Church and State in England on the basis they have occupied since the Revolution of 1688, though of course the Statute of Uniformity 14 Charles II., c. 4, has had its share in the same work.

After the Establishment was finally fixed by the Act of Settlement on its present basis, we have little or no legislation indicative of the Union of Church and State, similar to what has been just recounted. The Acts of Parliament in reference to Ecclesiastical matters rather concerned the Church in her attitude toward others who did not receive her formularies or enrol themselves



in her communion. The necessity for such legal provisions arose from the existence of Nonconformity; but these laws, owing to altered circumstances, have been all, we may say, removed from the Statute Book. Nonconformity includes not only Dissenters, but Roman Catholics. Such sectaries, as they were termed, were directly affected by the successive Acts of Uniformity in Edward VI., Elizabeth and Charles II's reigns, though there were other Statutes which imposed several restrictions and liabilities. The Legislature, however, when no longer the Establishment could be in peril from antagonism, resolved to extend to the Dissenters the indulgence which Nonconformists when in power denied to the Church of England. The first step in this direction was 1 William and Mary, Statute 1, c. 18, known as the Toleration Act, which was afterwards confirmed by 10 Anne, c. 2. The effect of these enactments was to destroy the operation of all Penal Statutes against Roman Catholics and Dissenters, with the exception of the Corporation and Test Acts. As regards the two last, it was at first deemed a principle of self-preservation for the Church of England not to desert, at a most critical period in our National history, the spirit of legislation carried out in James I's reign. During the great Rebellion the laws against Protestant Sectaries were repealed; but they were revived at the Restoration, so that the Parliament of Charles II. proceeded to enforce systematically the principle of universal conformity to the Church of England.

It is not requisite to dwell on the details of such legislation, beyond naming the Statutes. There is the Corporation Act, 13 Charles II., Statute 2, c. 1, by which no person hereafter should be elected to office in any corporate town who had not within one year previously taken the Sacrament of the Lord's Supper, according to the rights of the Church of England. We have the Act of Uniformity, 13 Charles II., Statute 2, c. 1, and the Conventicle Act, 22 Charles II., c. 1. The latter prohibits the meeting of five persons or more from assembling for the exercise of religion in any manner except according to the ritual of the Church of England. This was soon followed by the celebrated Test Act, 25 Charles II., c. 2, by which it was enacted that all persons holding office under the Crown, should subscribe

a declaration against Transubstantiation, take the oaths of Allegiance and Supremacy, as well as receive the Sacrament of the Lord's Supper, according to the usage of the Church of England; somewhat similar conditions being in the same reign (30 Charles II., Statute 2,) imposed on members of Parliament and voters at Elections. There was an early disposition to relax the severity of these Statutes though something of a relapse may be seen in for instance, the Act against Occasional Conformity (December 15, 1711.) though we find afterwards—during periods of boasted liberalism—the provisions of the Test Act were extended to other persons than those named in the Act, (see 1 George I., Statute 2, c. 13. 2 George II., c. 31; and 9 George II., c. 26.)

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## V.

### SYLLABUS OF WORKS ON CHURCH AND STATE.

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#### THE GENERAL SUBJECT.

Archbishop De Marca . . De Concordia Sacerdotii et Imperii.

#### HISTORIES.

Jeremy Collyer . . .	Ecclesiastical History.
Bishop Burnet . . .	History of the Reformation.
Ditto . . . . .	History of his own times.
Lord Clarendon . . .	History of the Rebellion.
Ditto . . . . .	Religious Policy.
Fuller . . . . .	Church History
Atterbury. . . . .	History of the Convocation.
Lathbury . . . . .	History of the Non-jurors.
Neal . . . . .	History of the Puritans.

Heylin . . . . .	Aerius Redivivus.
Southey . . . . .	Book of the Church.
Carwithen . . . . .	History of the Church of England.
Bishop Short . . . . .	History of the Church.
Grant . . . . .	Internal History of the Church.
Bennet and Bogue . . . . .	History of Dissenters.
Skeats . . . . .	Free Churches.

THEORY OF CHURCH AND STATE.

Hooker . . . . .	Ecclesiastical Polity (B. VIII.)
Bishop Warburton . . . . .	Alliance between the Church and State.
Paley . . . . .	On Establishments (Philosophy B. VI.)
Burke . . . . .	Reflections on the French Revolution.
Coleridge . . . . .	The Constitution of the Church and State.
Pott . . . . .	Rights of Sovereignty.
Maurice (F. D.) . . . . .	Letters to a Member of the Society of Friends.
Gladstone (W. E.) . . . . .	The State in its relations with the Church.
Fausset (Godf.) . . . . .	Bampton Lectures.
Chalmers . . . . .	Church and College Establishments.
Stephens . . . . .	Edition of De Lolme.
Bishop Wordsworth . . . . .	Theophilus Anglicanus.

PRACTICAL WORKING OF ESTABLISHMENTS.

Puller (T.) . . . . .	Moderation of the Church of England.
Chalmers . . . . .	The Parochial System.
Shuttleworth (G. E.) . . . . .	The Church and the Clergy.
Monroe (E.) . . . . .	Parish Work.
Nicholls . . . . .	Defence of the Church.
Chalmers . . . . .	Christian and Economic Polity.
McNeil (H.) . . . . .	Lectures on the Church.
Cator (C.) . . . . .	Necessity of an Establishment.
Burton (E.) . . . . .	Separation of Church and State.

Gisborne (T.) . . .	Considerations on Establishments.
Mereweather (F.) . .	Appeal on behalf of the Church.
Ditto . . . . .	The Church and Dissent.
Arnold . . . . .	Church Reform.
Bishop Magee . . .	The Voluntary System.
Marsh (W. T.) . . .	The Church and the State.
Bishop Wordsworth .	Ecclesiastical Biography

## WRITERS HOSTILE TO CHURCH AND STATE.

Cartwright (T.) . . .	Admonition to Parliament.
Milton . . . . .	Civil Power in Church.
Locke . . . . .	Letters on Toleration.
Wardlaw . . . . .	On Church Establishments.
Graham . . . . .	Ecclesiastical Establishments.
Noel . . . . .	Union of Church and State.
Miall . . . . .	British Churches.
Ditto . . . . .	Nonconformist Sketchbook.
Ditto . . . . .	Views of the Voluntary Principle.
Liberation Society . .	Standard Essays.
Guthrie . . . . .	Church Establishments
Bennet . . . . .	History of Dissenters.
Skeats . . . . .	Free Churches.
Vinet <sup>1</sup> . . . . .	<i>De La Liberté des Cultes.</i>
Vinet . . . . .	<i>Separation de l'Eglise et de l'Etat.</i>

## CLAIMS OF THE CHURCH OF ENGLAND.

Archbishop Parker . .	De Antiq. Brit. Ecclesiæ.
Crakanthorpe . . .	Defens. Eccles. Anglican.
Bishop Stillingfleet . .	Origin of British Church.
Sir R. Twysden . . .	Historical Vindication.
Bishop Bilson . . .	Christian Subjection.
<i>Courayer</i> . . . . .	<i>Ordinations des Anglois.</i>
Perceval . . . . .	Apostolical Succession.

<sup>1</sup> The opposite view is entertained by Rougemont and Grandpierre, who in their turn are opposed by Gasparin.

Clarendon . . . . .	Religious Policy.
Leslie (C.) . . . . .	Case of the Regale.
Mason (F.) <sup>1</sup> . . . . .	Vindic. Eccles. Anglic.
Hales (Wm.) . . . . .	Origin of British Church
Palmer (W.) <sup>2</sup> . . . . .	Apostolical Jurisdiction.
Bishop Wordsworth . . . . .	Theophilus Anglicanus.

<sup>1</sup> This work has been translated into English, with notes by Lindsay.

<sup>2</sup> This very argumentative work embodies a complete refutation of the objections advanced by the late Cardinal Wiseman against the Church of England.





